This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

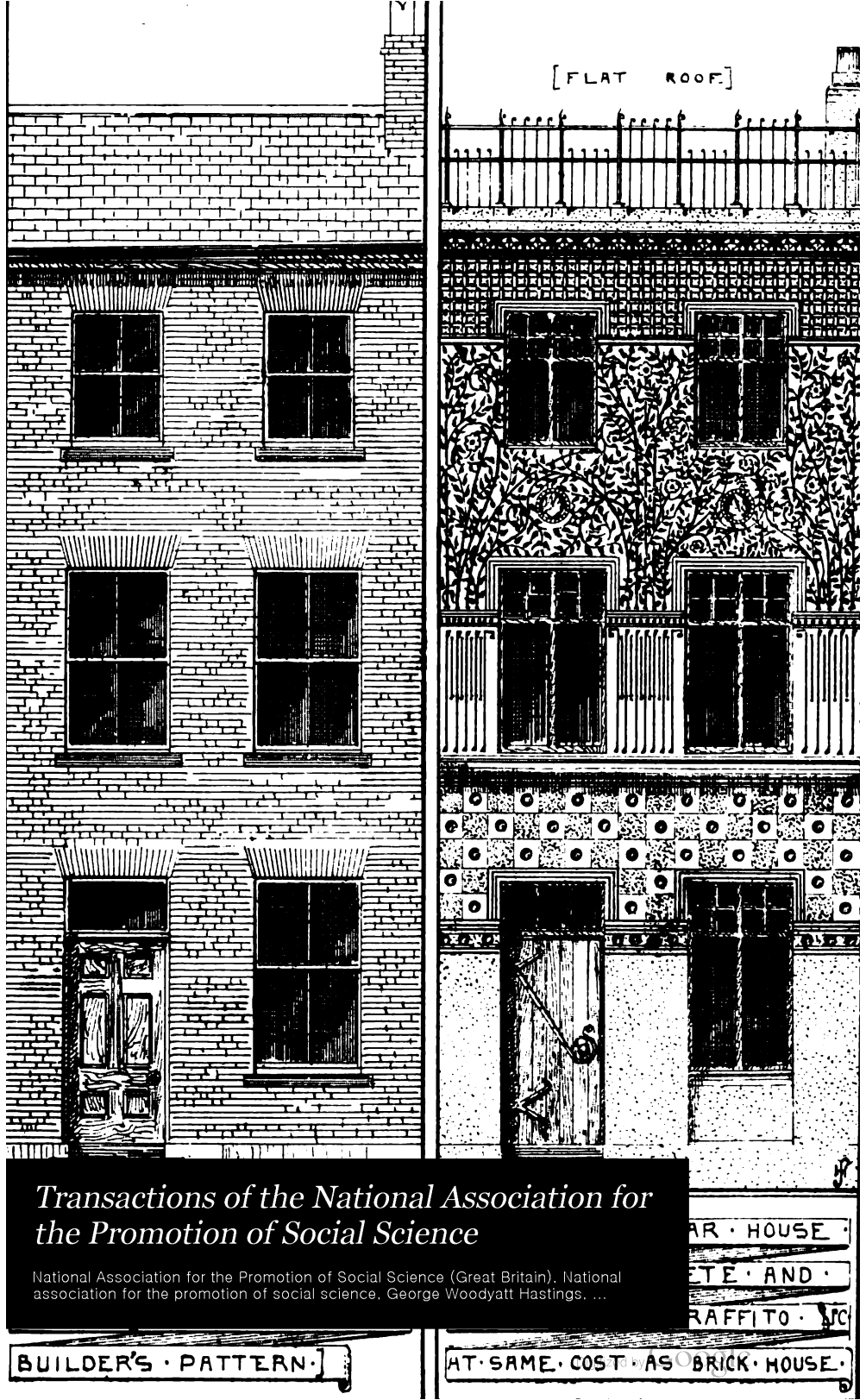
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`



Transactions of the National Association for the Promotion of Social Science

National Association for the Promotion of Social Science (Great Britain), National association for the promotion of social science, George Woodyatt Hastings, ...

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

Digitized by Google

LONDON: PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET

Digitized by Google

30552

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

CHELTENHAM MEETING, 1878.

LONDON:
LONGMANS, GREEN, AND CO.
1879.

Digitized by Google

H
11
.N27
1878

Digitized by Google

CONTENTS.

PAGE

Introduction xxvii
Sermon. The Rev. ALFRED BARRY, D.D. 1
Opening Address. The Right Hon. Lord NORTON, K.C.M.G. 12
Address on Jurisprudence and Amendment of the Law. A. E. MILLER, LL.D., Q.C. 32
Address on Education. The Hon. GEORGE C. BRODRICK 51
Address on Health. WILLIAM HENRY MICHAEL, Q.C., F.C.S. 84
Address on Economy and Trade. Professor BONAMY PRICE 116
Address on the Relation of Fine Art to Social Science. T. GAMBIER PARRY . 135
Address by the President of the Council. GEORGE WOODYATT HASTINGS . 151

SELECT PAPERS, NOTICES OF PAPERS, DISCUSSIONS, &c.

I.—JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

Codification of the Criminal Law.

The Codification of the Criminal Law, with special reference to the Attorney-General's Bill. The Hon. E. CHANDOS LEIGH. ALFRED HILL. . 171, 182
Discussion 184

Title to Real Property.

Simplification of the Evidence of title to Real Property by Record of Title or otherwise. Sir ROBERT R. TORRENS, K.C.M.G. 199
Discussion 212

Special Tenures.

Whether the Extinction of all Customary and other Special Tenures and the Limitation of Leasehold Terms are not desirable? S. H. GAEL. JAMES HOPGOOD 222, 238
Discussion 240

Digitized by Google

Summary Jurisdiction of Magistrates.

PAGE

Should the Summary Jurisdiction of Magistrates be further Extended? Serjeant PULLING. H. J. BUSHBY. JAMES SOLLY . . 247, 249, 257
Discussion 258

International Prison Congress.

The consideration of the Proceedings of the Stockholm International Prison Congress. Rev. E. C. WINES, D.D. 262
Discussion 268

Cumulative Punishment. T. BARWICK LL. BAKER 276
Discussion 285
On the Prison Rules lately issued by the Secretary of State. FREDERIC HILL 292

Miscellaneous.

Mixed Judicial Tribunals of Egypt, and the expediency of extending the system, or some analogous one, to the provinces of European and Asiatic Turkey. H. W. FREELAND 305
Discussion 306
Defects in the Law of Deeds. ALFRED HILL 307
The best method of Formulating the Law. H. W. BOYD MACKAY . . 308
The Vivisection Act, 1876. J. QUAIL. 309
Repression of Vagrancy. Capt. AMYATT E. AMYATT 312

II.—EDUCATION.

Free Primary Schools.

Is it desirable to establish Free Primary Schools throughout the Country? JESSE COLLINGS. Rev. W. J. KENNEDY. JOHN WATTS, PH.D. 314, 323, 328
Discussion 332

Universities Extension.

Is it expedient to increase the number of Universities in England? Professor A. M. WARD 338
The proposal for a New University in the North of England. J. G. FITCH. 343
The University Question discussed by a member of the Yorkshire College. J. D. HEATON, M.D. 357
Scheme of Affiliation proposed by the Corporation of Nottingham. S. G. JOHNSON 367
Discussion 371

Observations on the President's Opening Address 384

Digitized by Google

Connection of Schools.

PAGE

In what way is it desirable to connect the System of Primary Schools with the Endowed and other Schools that supply Secondary Education? Rev. E. F. M. MacCarthy 385
On the best means of connecting Primary with Intermediate Education. Henry M. Jeffery 396
Discussion 404

On Spelling Reform. Francis W. Newman, Emer. Prof. . . . , 414
Agricultural Education in connection with the College at Cirencester. Rev. John Constable 424

Miscellaneous.

The Work of the London School Board. Sydney C. Buxton 430
On the Training of Teachers for High Schools. Miss Dorothea Beale . 432
On the Registration, Certification, and Training of Teachers. T. E. Heller 434
Technical Training—where should it be given? Professor Silvanus P. Thompson, D.S., F.R.A.S. 437
The Duties of Women as Managers of Elementary Schools. Miss Louisa M. Hubbard 439
On the Kindergarten and Fröbel's System of Education. Miss A. E. Shirreff 442
The German System of Educating the Deaf. A. A. Kinsey 444
Science Teaching in Schools. Major Barnard 446
On the Educational Influence of the Drama. Rev. C. Halford Hawkins . 448

III.—HEALTH.

Disinfection.

The importance of Complete Disinfection, and the best means of providing for it by Sanitary Authorities. William Hardwicke, M.D. Francis T. Bond, M.D. 450, 457
Discussion 467

Sanitary Condition of Houses.

On the better regulation of House-Building generally, and the best mode of improving the Sanitary Condition of Existing Houses. Alfred Hill, M.D. Frederick W. Waller 471, 485
Discussion 486

Overcrowding.

How best to overcome the difficulties of Overcrowding amongst the Necessitous Classes. G. W. Child, M.D. 492
Discussion 506

Digitized by Google

PAGE

On the Utilisation of Town Sewage. The Right Hon. Lord NORTON, K.C.M.G. 508
On Public Parks and Recreation Grounds. Miss VERNON 510
Hydrogeology in its relation to Water Supply. JOSEPH LUCAS 518
On a Circular System of Hospital Wards. JOHN MARSHALL, F.R.S. . . 520
On the increased Mortality amongst Males at certain Ages in England and Wales. THOMAS A. WELTON, F.S.S. 526
Density or Proximity of Population: its Advantages and Disadvantages. WILLIAM FARR, M.D., F.R.S. 530

Miscellaneous.

The Mortality from Intemperance. NORMAN KERR, M.D., F.L.S. . . . 535
Isolation as a means of arresting Epidemic Disease. EDWARD T. WILSON, M.D., F.R.C.P. 536
The Registration of Zymotic Diseases. JOHN P. WILTON 543
On the working of the Public Health Acts, 1865 and 1872. GILBERT W. CHILD, M.D. 544
Suggestions for the amendment of the Public Health Act, 1875. FRANCIS T. BOND, M.D. 546
Vestry neglect in Sanitary Matters. HENRY ROBINSON, C.E. 547
On Rural Water Supply. J. LLOYD ROBERTS 547
Poisonous and Non-poisonous Paints and Wall Papers. H. C. BARTLETT, Ph.D., F.C.S. 548
Annual Report of the Joint Committee on State Medicine 549

IV.—ECONOMY AND TRADE.

Borrowing Powers of Corporations.

What are the Economic Principles which should regulate the Borrowing Powers of Local Corporations? JOHN GOODIER 550
Discussion 563

Depression of Trade.

What are the causes of the present Depressed and Stagnant Condition of Industrial Enterprise, and what are the best remedies? DAVID CHADWICK, M.P. 570
Discussión 582

Provision for Old Age.

What means can best be adopted to secure to the Wage-earning Classes a due provision for Old Age? JAMES S. RANDELL. T. D. GALPIN . 593
Discussion 597

Provident Medical Clubs and Dispensaries. F. TOWNSEND, F.L.S. . . 603
On the Economic Operation of the Foreign Sugar Bounties. WALLWYN B. POYER SHEPHEARD 611
Industrial Employment of Women in France compared with England. E. J. WATHERSTON 618

Digitized by Google

Miscellaneous.

PAGE
The Factory and Workshops' Consolidation Act. W. Cooke Taylor . . 631
On the best and fairest means of raising the Public Revenue. Professor Cerstadore 633
On County Government. A. H. A. Hamilton 636
On the Social Effects of English Rule in India, with special reference to the terrible effects of the late famines in that country. Colonel Oldfield. 637
The Training of Pauper Children. E. Carleton Tufnell 638
On Coffee Taverns. Captain St. Clair-Ford 641
On Intemperance. Rev. J. A. Aston 642

V.—ART.

Street Architecture.

How can Street Architecture be best Improved with due regard to Economy? H. Heathcote Statham 644
Discussion 659

Knowledge of Music.

How can a sound Knowledge of Music be best and most generally Disseminated? John Hullah, LL.D. 664
Discussion 674

Art in Towns and Villages.

By what means can good Examples of Art be brought within the reach of the populations of small Towns and Villages? T. C. Horsfall. Colonel G. F. Blair 677, 687
Discussion 692

On the Desirability of obtaining a National Theatre not wholly controlled by the predominant taste of the Public. George Godwin, F.R.S. . . 699
The Mission of the Undraped Figure in Art. P. H. Rathbone . . 715
On the Desirableness and Possibility of attaching a Rural Scholastic Museum to every Village Board School. Tito Pagliardini 721

Miscellaneous.

The Humanising and Refining Influences of Art. Dr. J. S. Phené, F.S.A. 729
The Place of Jewellery in Art. Edward J. Watherston . . . 731
On some Neglected Principles of Decorative Art. Philip George Skipwith 735
Dramatic Reform. Professor G. F. Armstrong 738
On the present position of Sculptural Art. H. P. MacCarthy . . . 740

Appendix 741

INDEX 748

Digitized by Google

FORMER PRESIDENTS.

BIRMINGHAM, 1857.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE RIGHT HON. LORD JOHN RUSSELL, M.P.
II. THE RIGHT HON. SIR JOHN S. PAKINGTON, BART., M.P.
III. THE RIGHT HON. AND RIGHT REV. LORD BISHOP OF LONDON.
IV. THE RIGHT HON. LORD STANLEY, M.P.
V. SIR BENJAMIN COLLINS BRODIE, BART., M.D., F.R.S.

LIVERPOOL, 1858.

President.

THE RIGHT HON. LORD JOHN RUSSELL, M.P.

Presidents of Departments.

I. THE RIGHT HON. THE LORD CHANCELLOR OF IRELAND.
II. THE RIGHT HON. WILLIAM COWPER, M.P.
III. THE RIGHT HON. THE EARL OF CARLISLE, K.G.
IV. THE RIGHT HON. THE EARL OF SHAFTESBURY, K.G.
V. THE RIGHT HON. SIR JAMES STEPHEN, K.C.B.

BRADFORD, 1859.

President.

THE RIGHT HON. THE EARL OF SHAFTESBURY.

Presidents of Departments.

I. VICE-CHANCELLOR SIR W. PAGE WOOD.
II. THE RIGHT HON. C. B. ADDERLEY, M.P.
III. RICHARD MONCKTON MILNES, M.P.
IV. THE RIGHT HON. WILLIAM COWPER, M.P.
V. SIR JAMES P. KAY SHUTTLEWORTH, BART.

Digitized by Google

GLASGOW, 1860.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE LORD ADVOCATE FOR SCOTLAND.
II. SIR JAMES P. KAY SHUTTLEWORTH, BART.
III. THE HON. ARTHUR KINNAIRD, M.P.
IV. VISCOUNT EBRINGTON.
V. SIR JAMES EMERSON TENNENT.

DUBLIN, 1861.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE RIGHT HON. JOSEPH NAPIER.
II. SIR JOHN GEORGE SHAW LEFEVRE, K.C.B., F.R.S.
III. THE RIGHT HON. THE ATTORNEY-GENERAL FOR IRELAND.
IV. THE RIGHT HON. LORD TALBOT DE MALAHIDE.
V. THE HON. JUDGE LONGFIELD, L.L.D.
VI. MONS. MICHEL CHEVALIER.

LONDON, 1862.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. SIR FITZROY KELLY, Q.C., M.P.
II. THE VERY REV. THE DEAN OF ST. PAUL'S.
III. THOMAS CHAMBERS, Q.C.
IV. WILLIAM FAIRBAIRN, LL.D., F.R.S.
V. RICHARD MONCKTON MILNES, M.P.
VI. TRAVERS TWISS, Q.C., D.C.L.

EDINBURGH, 1863.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE HON. LORD CURRIEHILL.
II. NASSAU W. SENIOR.
III. THE HON. LORD NEAVES.
IV. PROFESSOR CHRISTISON, M.D.
V. THE RIGHT HON. SIR JOHN MCNEILL, G.C.B.
VI. THE HON. JUDGE LONGFIELD, LL.D.

Digitized by Google

YORK, 1864.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE RIGHT HON. SIR JAMES P. WILDE.
II. HIS GRACE THE ARCHBISHOP OF YORK.
III. SIR CHARLES HASTINGS, M.D., D.C.L.
IV. EDWIN CHADWICK, C.B.

SHEFFIELD, 1865.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. SIR ROBERT J. PHILLIMORE, D.C.L.
II. THOMAS CHAMBERS, Q.C., M.P.
III. EDWIN LANKESTER, M.D., F.R.S.
IV. EDWIN CHADWICK, C.B.

MANCHESTER, 1866.

President.

THE RIGHT HON. THE EARL OF SHAFTESBURY, K.G.

Presidents of Departments.

I. HON. GEORGE DENMAN, Q.C., M.P.
II. RIGHT HON. H. AUSTIN BRUCE, M.P.
III. WILLIAM FARR, M.D., F.R.S.
IV. SIR JAMES P. KAY SHUTTLEWORTH, BART.

BELFAST, 1867.

President.

THE RIGHT HON. LORD DUFFERIN AND CLANDEBOYE.

Presidents of Departments.

I. THE RIGHT HON. JUSTICE O'HAGAN.
II. THOMAS ANDREWS, M.D., F.R.S.
III. SIR JAMES SIMPSON, BART., M.D., F.R.S.
IV. SIR ROBERT KANE, F.R.S.

Digitized by Google

BIRMINGHAM, 1868.

President.

THE RIGHT HON. THE EARL OF CARNARVON.

Presidents of Departments.

I. THE RIGHT HON. W. N. MASSEY.
II. THE RIGHT HON. LORD LYTTELTON.
III. HENRY W. RUMSEY, M.D.
IV. PROFESSOR FAWCETT, M.P.

BRISTOL, 1869.

President.

THE RIGHT HON. SIR STAFFORD NORTHCOTE, BART., M.P.

Presidents of Departments.

I. GEORGE WOODYATT HASTINGS.
II. REV. CANON KINGSLEY.
III. JOHN A. SYMONDS, M.D., F.R.S.
IV. RIGHT HON. STEPHEN CAVE, M.P.

NEWCASTLE-ON-TYNE, 1870.

President.

HIS GRACE THE DUKE OF NORTHUMBERLAND.

Presidents of Departments.

I. THE HON. LORD NEAVES.
II. DR. LYON PLAYFAIR, C.B., F.R.S., M.P.
III. ROBERT RAWLINSON, C.E., C.B.
IV. SIR WILLIAM ARMSTRONG, C.B., LL.D., D.C.L., F.R.S.

LEEDS, 1871.

President.

THE RIGHT HON. SIR JOHN S. PAKINGTON, BART., G.C.B., M.P.

Presidents of Departments.

I. W. VERNON HARCOURT, Q.C., M.P.
II. EDWARD BAINES, M.P.
III. GEORGE GODWIN, F.R.S.
IV. WILLIAM NEWMARCH, F.R.S.

Digitized by Google

PLYMOUTH AND DEVONPORT, 1872.

President.

THE RIGHT HON. LORD NAPIER AND ETTRICK, K.T.

Presidents of Departments.

I. SIR JOHN DUKE COLERIDGE, Q.C., M.P.
II. GEORGE WOODYATT HASTINGS.
III. H. W. D. ACLAND, M.D., F.R.S., D.C.L.
IV. SIR JOHN BOWRING, LL.D.

NORWICH, 1873.

President.

THE RIGHT HON. LORD HOUGHTON, D.C.L., F.R.S.

Presidents of Departments.

I. JOSEPH BROWN, Q.C.
II. PROFESSOR W. B. HODGSON, LL.D.
III. CAPTAIN DOUGLAS GALTON, C.B., F.R.S.
IV. THOMAS BRASSEY, M.P.

GLASGOW, 1874.

President.

THE RIGHT HON. EARL OF ROSEBERY.

Presidents of Departments.

I. THE RIGHT HON. LORD MONCREIFF.
II. THE RIGHT HON. LORD NAPIER AND ETTRICK, K.T.
III. THE RIGHT HON. LYON PLAYFAIR, D.C.L., C.B., M.P.
IV. SIR GEORGE CAMPBELL, D.C.L., K.C.S.I.

BRIGHTON, 1875.

President.

THE RIGHT HON. LORD ABERDARE.

Presidents of Departments.

I. SIR EDWARD S. CREASY.
II. SIR CHARLES REED.
III. BENJAMIN W. RICHARDSON, M.D., F.R.S.
IV. M. E. GRANT DUFF, M.P.

Digitized by Google

LIVERPOOL, 1876.

President.

THE MOST HON. THE MARQUESS OF HUNTLY.

Presidents of Departments.

I. FARRER HERSCHELL, Q.C., M.P.
II. THE REV. MARK PATTISON, B.D.
III. THOMAS HAWKSLEY, C.E.
IV. G. J. SHAW LEFEVRE, M.P.
V. E. J. POYNTER, A.R.A.

ABERDEEN, 1877.

President.

THE RIGHT HON. THE EARL OF ABERDEEN.

Presidents of Departments.

I. THE HON. LORD GIFFORD.
II. THE RIGHT HON. LORD YOUNG.
III. EDWIN CHADWICK, C.B.
IV. JAMES CAIRD, C.B., F.R.S.
V. LORD RONALD GOWER.

COUNCIL FOR 1878-79.

Those names marked with an asterisk are Representatives of Corporate Bodies.

President—GEORGE WOODYATT HASTINGS.

Aberdare, Lord
Aberdeen, Earl of
Acland, H. W. D., M.D., F.R.S., D.C.L.
Acland, Sir Thomas D., Bart., M.P.
Aitchison, George
*Anderson, William., C. A.
Angell, Lewis, C.E.
Arntz, R. R.
Arthur, Rev. William
Ashley, Hon. Evelyn, M.P.

Backhouse, Edward, M.P.
Baines, Edward
Baker, T. B. Ll.
Barclay, A. W., M.D.
Barran, John, M.P.
Bass, M. T., M.P.
Bastard, T. H.
Baylis, C. O., M.D.
Beddoe, John, M.D., F.R.S.
Beggs, Thomas
Beresford-Hope, A. J. B., M.P.
*Bourne, Alfred
Bowyer, Sir George, Bart., M.P.
Boyes, H. C.
Brabrook, E. W.
Brady, Sir Antonio
Brassey, Thomas, M.P.
Briggs, W. E., M.P.
Brodrick, Hon. George C.
Brooks, W. Cuncliffe, M.P.
Brown, A. H., M.P.
Brown, Joseph, Q.C.
Bruce, Gainsford
*Burton, E. Frederick
Burkitt, Edward

Cameron, Charles, M.D., LL.D., M.P.
Campbell, Sir George, K.C.S.I., D.C.L., M.P.
Carmichael, C. H. E.
Carnarvon, Earl of
Carpenter, Alfred, M.D.
Cave, Right Hon. Stephen, M.P.
Cavendish, Lord Frederick, M.P.
Chadwick, David, M.P.
Chadwick, Edwin, C.B.
Champneys, Basil

Digitized by Google

Chichester, Earl of
Child, G. W., M.D.
Christison, Sir Robert, Bart., M.D., D.C.L.
Clark, Charles, Q.C.
Clarke, T. Chatfeild
Clode, William
Colebrooke, Sir Thomas E., Bart., M.P.
Collings, Jesse
Collins, H. H.
Colman, Jeremiah J., M.P.
Corbett, John, M.P.
Corfield, Professor W. H., M.D.
*Cowper-Temple, Rt. Hon. W. F., M.P.
*Cox, Alfred
Cox, Serjeant
Craigie, Captain
Crofton, Right Hon. Sir Walter, C.B.

Daniel, W. T. S., Q.C.
Denman, Lord
Denman, Hon. Justice
Derby, Earl of
Dodds, Joseph, M.P.
Draper, E. Herbert
Droop, H. R.
Du Cane, Lieut.-Col. Sir E. F., K.C.B.
Ducie, Earl of
Dudley, Earl of
Duff, M. E. Grant, M.P.
Dunn, Andrew
Dunn, E. C.
Dunsany, Lord

Eastwick, E. B., C.B., F.R.S.
Ebury, Lord
Edgar, Andrew, LL.D.
Evans, T. W., M.P.
Ewing, A. Orr, M.P.
*Edwards, William

Farquharson, Robert, M.D.
Farr, William, M.D., F.R.S.
Fergus, Andrew, M.D.
Ferguson, Robert, M.P.
Fitch, J. G.
Fooks, W. C.
Forsyth, Sir Douglas, Bart., C.B., M.C.S.I.
Fortescue, Earl
Fortescue, Hon. Dudley Francis
Fowler, R. N.
Freeland, H. W.
Fry, Lewis, M.P.

Galton, Captain Douglas, C.B., F.R.S.
Gifford, Hon. Lord
Gladstone, J. H., F.R.S.
Godwin, George, F.R.S.
Goldsmid, Sir Julian, Bart., M.P.
Gordon, Lord Douglas, M.P.
Graves, Lord
Grece, C. J., LL.D.

Hamilton, Rowland
Hampton, Lord, G.C.B.
Harcourt, Sir W. Vernon, M.P.
Hardwicke, William, M.D.
Hare, Thomas
*Hastings, George Woodyatt
Hatherley, Lord
Haviland, Alfred
Hawkins, Charles
Hawksley, Thomas, C.E.
Heller, T. E.
Herschell, Farrer, Q.C., M.P.
Heywood, James, F.R.S.
Hill, Alsager H.
Hill, Frederic
Hobhouse, Sir Arthur, K.C.S.I.
Hodgson, Professor W. B., LL.D.
Hollond, J. R.
Hopgood, James
Horsfall, T. C.
Horsley, J. C., R.A.
Houghton, Lord, D.C.L., F.R.S.
Huntly, Marquess of

Johnstone, Sir Harcourt, Bart., M.P.

Kelly, Lord Chief Baron
Kennaway, Sir J. H., Bart., M.P.
Kettle, Rupert A.
Kimberley, Earl of
Kinnaird, Lord
Kintore, Earl of
Kirkwood, Anderson, LL.D.

Lambert, Rev. Brooke
Latham, Baldwin, C.E.
Lawrence, Lord, G.C.B., G.C.S.I.
*Lee, William Henry
Lefevre, G. J. Shaw, M.P.
Leighton, Sir Baldwyn, Bart., M.P.
Lichfield, Earl of
Lloyd, Sampson S., M.P.
Londesborough, Lord
Longfield, Hon. Montifort, LL.D.
Lowndes, W. Layton
Lycett, Sir Francis
Lyveden, Lord

MacAdam, Stevenson, Ph.D., F.R.S.E.
McArthur, Alexander, M.P.
McArthur, William, M.P.
*McClelland, James
McIver, David, M.P.
McKenna, Sir Joseph, D.L., M.P.
*McLagan, Peter, M.P.
Marshall, James
*Mason, C. P.

Digitized by Google

Massey, Rt. Hon. W. N., M.P.
Michael, W. H., Q.C., F.C.S.
Miller, A.E., Q.C., LL.D.
Minto, Earl of, K.T.
Moncreiff, Lord
*Monk, C. J., M.P.
Montagu, Rt. Hon. Lord Robert, M.P.
Morley, Samuel, M.P.
Mosley, Herbert N.
*Musgrave, James

Napier and Ettrick, Lord, K.T.
Napier, Rt. Hon. Sir Joseph, Bart.
Neison, Francis G. P.
Newdegate, C. N., M.P.
Newmarch, William, F.R.S.
Newton, A. V.
Northcote, Rt. Hon. Sir Stafford, Bart., C.B., M.P.
Norton, Lord, K.C.M.G.

*O'Hagan, Lord
Oldfield, Colonel
O'Reilly, Myles W., M.P.
Overstone, Lord

Pagliardini, Tito
Pankhurst, Richard M., LL.D.
Parker, C. Stuart, M.P.
Parry, T. Gambier
Pattison, Rev. Mark, B.D.
Peel, Rt. Hon. Sir Lawrence, D.C.L.
Pender, John, M.P.
Pennington, Frederick, M.P.
Phené, J. S., LL.D., F.S.A.
Pim, Captain Bedford, M.P.
Playfair, Rt. Hon. Lyon, C.B., F.R.S., M.P.
Powell, F. S.
Price, Professor Bonamy
Pulling, Serjeant

Rathbone, P. H.
Rathbone, William, M.P.
Rawlinson, Sir Christopher
Richardson, B. W., M.D., F.R.S.
Rigg, Rev. J. H., D.D.
Ripley, H. W., M.P.
Ripon, Marquess of
Roberts, Henry, F.S.A.
Rosebery, Earl of

Safford, A. H.
Sandwith, Humphrey, C.B., D.C.L.
Scott, Major-Gen., H. Y. D., C.B., F.R.S.
Shaen, Rev. Richard
Shaen, William
Shaftesbury, Earl of, K.G.
Sheridan, H. B., M.P.
Shrimpton, Charles, M.D.
Sperling, Arthur
Stanhope, Hon. Edward, M.P.
Statham, H. Heathcote
Steinthal, Rev. S. A.
Stevenson, J. C., M.P.
Stevenson, J. J.
Stewart, Mark J., M.P.
Stewart, A. P., M.D.
*Stout, Thomas
Symons, G. J., F.R.S.

Taylor, P. A., M.P.
Taylor, R. W. Cooke
Thomas, W. Cave
Torrens, Sir Robert R., K.C.M.G.
Trevelyan, Sir Charles, Bart., K.C.B.
Tufnell, E. Carlton
*Turnbull, James W., M.D.
Twells, Philip, M.P.
Twining, Thomas
Twiss, Sir Travers, Q.C., D.C.L., F.R.S.

Urlin, R. Denny

Vincent, Rev. William

Waddilove, Alfred, D.C.L.
Walford, Cornelius
*Waller, J. F., LL.D.
Ware, Martin
Waterhouse, Samuel, M.P.
Watherston, E. J.
Watson, Rt. Hon. William, M.P.
Watson, J. Forbes, M.D., LL.D.
Wegnelin, Thomas, M.P.
Westlake, John, Q.C., LL.D.
White, Robert
Whitelaw, Alexander, M.P.
Whitwell, Mark
*Wills, W. H.

Yeats, John, LL.D.
Young, H. T.

Digitized by Google

EXECUTIVE COMMITTEE OF COUNCIL.

Boyes, H. C., *Secretary to the Art Department*

Chadwick, David, M.P.
Clode, William

Draper, E. Herbert, *Secretary to the Economy and Trade Department*
Dunn, E. C.

Farr, William, M.D., F.R.S., *Treasurer*

Galton, Captain Douglas, C.B., F.R.S.

Hamilton, Rowland
Hastings, G. Woodyatt, *President of Council*
Haviland Alfred, *Secretary to the Health Department*
Hill, Frederic

Lambert, Rev. Brooke, *Secretary to the Education Department*
Latham, Baldwin, C.E.

Marshall, James
McClelland, James
Miller, A.E., Q.C., LL.D
Mozley, Herbert N., *Secretary to the Municipal Law Section*

Neison, Francis G. P., *General Secretary*

Powell, Francis S.
Pulling, Serjeant

Urlin, R. Denny, *Secretary to the Repression of Crime Section*

Westlake, John, Q.C., LL.D., *Foreign Secretary*

FOREIGN CORRESPONDING MEMBERS.

Monsieur Le Comte J. Arrivabene, Senateur d'Italie, à Mantua, Bruxelles.
Marquis D'Avila, Ministre d'État de S. M. Très Fidèle, Lisbon.
Monsieur Michel Chevalier, Avenue de l'Impératrice No. 27, Paris.
Monsieur Le Comte Auguste Cieskowski, Wierzenica, Grand-Duché de Posen.
Samuel Eliot, LL.D., Boston, U.S.A.
David Dudley Field, New York, U.S.A.
Monsieur Le Dr. Guillaume, Neuchâtel, Switzerland.
Baron Von Holtzendorf, University, Munich, Bavaria.
Dr. Edward Jarvis, Dorchester, Massachusetts, U.S.A.
Hon. W. Beach Lawrence, Ochre Point, Newport, Rhode Island, U.S.A.
His Excellency Señor Don Arturo de Marcoartu, Madrid, Spain.
E. L. O'Malley, Attorney-General, Jamaica.
Edwin Pears, 2 Rue de la Banque, Constantinople.
Monsieur F. Le Play, Place Saint Sulpice No. 6, Paris.
Hon. John Scott, Judge of Consular Court, Alexandria.
Hon. Sir John Smale, Chief Justice, Hong Kong, China.
Monsieur Le Dr. Susani, Professeur de Mécanique Industrielle à la Société des Arts, Milan.
Monsieur Le Dr. Varrentrapp, Francfort-sur-Main.
Hon. J. Sewell White, Judge of High Court of Judicature, Calcutta.
Rev. E. C. Wines, LL.D., New York, U.S.A.

HONORARY MEMBER.

Mrs. John Knox, London.

Digitized by Google

OFFICERS OF THE ASSOCIATION FOR 1878–79.

President.

The Right Hon. Lord Norton, K.C.M.G.

Vice-Presidents.

The Right Hon. Earl of Shaftesbury, K.G.
The Right Hon. Earl Dufferin, K.C.B., G.C.M.G.
The Right Hon. Earl of Carnarvon.
The Right Hon. Sir Stafford Northcote, Bart., C.B., M.P.
His Grace The Duke of Northumberland.
The Right Hon. Lord Hampton, G.C.B.
The Right Hon. Lord Napier and Ettrick, K.T.
The Right Hon. Lord Houghton, D.C.L., F.R.S.
The Right Hon. Earl of Rosebery.
The Right Hon. Lord Aberdare.
The Most Hon. The Marquess of Huntly.
The Right Hon. The Earl of Aberdeen.

Presidents of Departments.

I. A. E. Miller, Q.C., LL.D.
II. The Hon. George C. Brodrick.
III. W. H. Michael, Q.C., F.C.S.
IV. Professor Bonamy Price.
V. T. Gambier Parry.

President of the Council.

George Woodyatt Hastings.

Treasurer.

William Farr, M.D., F.R.S.

General Secretary.

Francis G. P. Neison.

Foreign Secretary.

John Westlake, Q.C., LL.D.

Secretaries of Departments.

I. H. N. Mozley. R. Denny Urlin.
II. Rowland Hamilton. Rev. Brooke Lambert.
III. H. H. Collins. Alfred Haviland.
IV. E. Herbert Draper. Rev. S. A. Steinthal.
V. H. C. Boyes.

Auditor.

Robert White.

Assistant Secretary.

James Robinson.

Bankers.

The London and Westminster Bank, 1 St. James's Square, S.W.
Messrs. Ransom, Bouverie & Co., 1 Pall Mall East, S.W.

Office of the Association.

1 Adam Street, Adelphi, London, W.C.

Digitized by Google

LOCAL OFFICERS OF THE CHELTENHAM CONGRESS.

Vice-Presidents.

His Grace The Lord Archbishop of Canterbury.
His Grace The Lord Archbishop of York.
The Right Hon. The Earl of Ducie.
The Right Hon. The Earl of Bathurst.
The Lord Bishop of Gloucester and Bristol.
The Lord Bishop of Manchester.
The Right Hon. Lord Sherborne.
The Right Hon. Lord Fitzhardinge.
The Right Hon. Lord Sudeley.
The Right Hon. Lord Moreton.
The Right Hon. Sir M. Hicks-Beach, Bart., M.P.
Baron De Ferrieres (Mayor).
Sir George Jenkinson, Bart., M.P.
Sir Brook Kay, Bart.
Thomas Brassey, M.P.
J. T. Agg-Gardner, M.P.
Colonel Kingscote, M.P.
E. A. Leatham, M.P.
S. S. Marling, M.P.
A. J. Stanton, M.P.
J. Reginald Yorke, M.P.
St. John Ackers.
T. Barwick Ll. Baker.
Rev. Canon Barry, D.D.
J. F. Bateman, C.E., F.R.S.
J. W. Batten.
Joseph Brown, Q.C.
Professor Church.
G. C. Colquitt Craven.
J. C. Dent, F.S.A.
J. E. Dorington.
F. A. Hyett.
A. McLachlan.
J. D. Thomas Niblett.
W. N. Skillicorne.
W. M. Tartt.
Disney L. Thorp, M.D.
J. Waddingham.

Executive Committee.

Baron de Ferrieres (Mayor).—*Chairman.*

E. T. Brydges.
J. P. Balmer.
T. R. Colledge, M.D.
H. J. Cochrane.
W. S. Davis.
Henry Davis.
S. H. Gabl.
J. Middleton.
A. McLachlan.
G. Norman.
W. N. Skillicorne.
G. W. Sadler.
T. Smith, M.D.
Disney L. Thorp, M.D.
H. Willmott.
J. B. Winterbotham.
T. Wright, M.D., F.R.S.E.
H. W. Williams.
E. T. Wilson, M.D.

Treasurer.

W. N. Skillicorne.

General Secretaries.

Colonel Henry Basevi. Rev. Edward Cornford.

Secretaries of Departments.

I. *Jurisprudence.*—E. T. Brydges. J. W. Gabb. J. B. Winterbotham, Junior.
II. *Education.*—Colonel Grove. R. Tyrer.
III. *Health.*—C. G. Blatchley. G. B. Ferguson, M.D. E. T. Wilson, M.D.
IV. *Economy and Trade.*—G. Cadell. H. J. Cochrane. W. McLandsborough.
V. *Art.*—J. Middleton. W. F. March-Phillips.

Digitized by Google

PRESIDENTS AND VICE-PRESIDENTS OF DEPARTMENTS OF THE CHELTENHAM CONGRESS.

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

President.

MR. A. E. MILLER, Q.C., LL.D.

Vice-Presidents.

T. BARWICK LL. BAKER.
ANDREW EDGAR, LL.D.
J. FALLON.
J. P. HAINES.
FREDERIC HILL.
Sir ARTHUR HOBHOUSE, K.C.S.I.
F. D. LONGE.
J. J. POWELL, Q.C.
ALEXANDER PULLING, Serjt. at Law.
W. N. SKILLICORNE.
Sir JOHN SMALE, Chief Justice of Hong Kong.
CHARLES SUMNER, County Court Judge.
Sir ROBERT R. TORRENS, K.C.M.G.
ALFRED WADDILOVE, D.C.L.

II.—EDUCATION.

President.

The Hon. GEORGE C. BRODRICK.

Vice-Presidents.

J. H. GLADSTONE, F.R.S.
JAMES HEYWOOD, F.R.S.
Rev. H. KYNASTON.
WILLIAM LITTLE.
W. L. NEWMAN.
Rev. MARK PATTISON, Rector of Lincoln College, Oxford.
EDMUND ROBERTSON.
MARK WHITWELL.
JOHN YEATS, LL.D.

III.—HEALTH.

President.

W. H. MICHAEL, Q.C., F.C.S.

Vice-Presidents.

EDWIN CHADWICK, C.B.
WILLIAM FARR, M.D., F.R.S.
Captain DOUGLAS GALTON, C.B., F.R.S.

IV.—ECONOMY AND TRADE.

President.

Professor BONAMY PRICE.

Vice-Presidents.

Sir ANTONIO BRADY.
E. CARRINGTON.
DAVID CHADWICK, M.P.
T. CORBETT.
W. LAYTON LOWNDES.
S. S. MARLING, M.P.
C. WILSON.

Digitized by Google

V.—ART.

President.

T. Gambier Parry.

Vice-Presidents.

Rev. H. W. Coventry.
J. C. Dent.
J. E. Dorington.
Rev. J. E. A. Fenwick.
Baron De Ferrieres.
George Godwin, F.R.S.
J. S. Phené, LL.D., F.S.A.
Philip H. Rathbone.
H. Willmott.

LAWS OF THE ASSOCIATION.

Object and Organisation.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises five Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; the fourth, for Economy and Trade; and the fifth for Art.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas, is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by By-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Half a Guinea to the Funds of the

Digitized by Google

Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a President of Council, a General Secretary, a Treasurer or Treasurers, Foreign Secretary, and Secretaries of Departments, who are annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any Learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

10. Such Members, not exceeding twelve, as shall be annually nominated by the Council, on the recommendation of the Executive Committee.

XII. The Executive Committee consists of the President of Council, the General Secretary, the Treasurer, the Foreign Secretary, one Secretary from each Department nominated by the Council, and Twelve Members elected annually by the Council.

Digitized by Google

XIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of Papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days' notice, for such purpose, and at such time and place, as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading Papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to, and approved by, the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such Meetings, and of using the Library at the office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two Representatives to attend the Meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of eligibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held by Law XIV.

Digitized by Google

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power to appoint Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The President of Council is, *ex officio*, a Member of every Standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on account of the Association are paid into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

Digitized by Google

RECEIPT AND PAYMENT ACCOUNT FOR THE YEAR ENDING JUNE 30, 1878.

RECEIPTS.

1877.			£	s.	d.
July 1.	By Balance:				
	London and Westminster Bank:				
	Deposit Account	100 0 0			
	Current do.	134 12 1			
	Ransom & Co.	94 10 0			
	Petty Cash	0 5 0			
			329	7	1
1878.					
June 30.	„ Subscriptions received at Office	529 14 6			
	„ „ „ Bankers	301 6 0			
			831	0	6
	„ Aberdeen Congress, Sale of Tickets ...		601	13	9
	„ *Transactions* and Publications sold, &c. ...		38	3	6
	„ Use of Rooms for Meetings		45	13	6
	„ Joint Committee on State Medicine, for Printing		6	6	0
	„ Interest on Deposit		1	8	1
			£1,853	12	5

*** There are no outstanding liabilities.

PAYMENTS.

1878.			£	s.	d.
June 30.	To Printing *Transactions* of 1876,				
	Balance	206 0 0			
	„ Do. 1877, and Indexing	286 10 0			
			492	10	0
	„ Printing:—General Account	85 3 0			
	Sessional Proceedings ...	75 0 8			
	Pamphlet ...	14 5 0			
			174	8	8
	„ Rent and Gas		215	9	3
	„ Salaries and Wages		307	9	0
	„ Office Expenses		68	4	3
	„ Library—Books, &c.		47	6	5
	„ Stationery		16	6	3
	„ *Transactions*, Delivery		20	0	0
	„ Postage		60	7	0
	„ Travelling Expenses		71	11	0
	„ Reporting Proceedings		76	15	0
	„ Collector's Commission		27	0	0
	„ Advertising		6	1	6
	„ Subscription Returned		2	2	0
	„ Balance:—				
	London and Westminster Bank:—				
	Deposit Account ...	100 0 0			
	Current do. ...	142 19 0			
	Ransom & Co. ...	21 0 0			
	Petty Cash	4 3 1			
			268	2	1
			£1,853	12	5

Examined and found correct.

July 10th, 1878.

THOMAS SOPWITH, ROBERT WHITE } AUDITORS.

Digitized by Google

INTRODUCTION.

THE Twenty-second Annual Congress of the Association was held at Cheltenham, from October 23 to 30, 1878. On no previous occasion had the Association met in a town of so limited a population, but the success of the meeting completely justified the experiment. No doubt much of this success was to be attributed to the well-known attractions of Cheltenham, but more especially was it due to the energetic Local Honorary Secretaries (Colonel Basevi and the Rev. E. Cornford), whose services the Association was fortunate enough to secure. To the Mayor of Cheltenham (Baron de Ferrieres) the Congress was much beholden for the kind and liberal spirit with which he received the Association, and the active interest he took in all its proceedings. The indefatigable exertions of these gentlemen on behalf of the Congress will always recall a pleasing memory to those who attended the meeting.

Prior to the business of the Congress a Special Service was held at the Parish Church, and the sermon, preached by the Rev. Canon Barry, D.D., will be found in another portion of this volume. On the evening of the same day (Wednesday, October 23), the Inaugural Address of the President of the Association—the Right Hon. Lord Norton—was delivered in the Assembly Rooms to a large and select audience. Previous to the commencement of the address Mr. Hastings, President of the Council, announced that he had received a letter from the Earl of Aberdeen, expressing his real regret that he was

Digitized by Google

unable, through unavoidable circumstances, to be present at the Cheltenham meeting. His (Mr. Hastings') duty therefore was that which would have devolved on his Lordship had he been present—of introducing his successor to the chair of the Congress. Lord Norton, he said, was one of the few surviving of the original members of the Association, having been present at the private meeting held at Lord Brougham's house in July, 1857, when it was resolved to establish the Society. As Mr. Adderley, he had twice filled the chair of a Section, at the first meeting at Birmingham, in 1857, and at the third, at Bradford, in 1859. Lord Norton had throughout his life taken a keen interest in many of the objects discussed by the Association, and while his advent to the Presidency would be welcome to all, it would be hailed by none so warmly as by those older members of their body who knew and had always appreciated his character and exertions.

The Addresses of the Presidents of Departments were delivered in the Ladies' College, by the kind permission of the Principal, Miss Beale. The Reception Room was at the Queen's Hotel, and the Departments met, one there, and the others in the immediate neighbourhood. The addresses and discussions were well attended, and much interest was evinced in the proceedings.

A Public Meeting was held in the Assembly Rooms, on the evening of Monday, October 28, to hear addresses from some leading members of the Association on matters connected with the Congress. The Mayor, in opening the proceedings, said we were all apt to run in a certain groove, and to do as our fathers had done; and when men of science told us of the causes of disease, and the methods of treating it, we were apt to look upon what they said with some suspicion, and were not prone to go out of the beaten track. In remedying that state of things, this Society had done, and was doing, much good. By holding Congresses, by printing their 'Transactions,' and keeping always before the public the necessity of constant

Digitized by Google

progress in sanitary, educational, and cognate matters, the Association had conduced very much to the material welfare of the country.

Lord Norton in the course of his remarks said, what he thought the Association illustrated most forcibly was the possession and long establishment of the principle of self-administration in this country. Here was an Association of private volunteers, apart from Parliament, apart from the Government, sowing the seeds of laws, criticising for the purpose of practical amendment the action of the State, studying the habits and the requirements of themselves, comparing them with the modes of stimulating action in other countries, in a sort of international community of reciprocal improvement. The Association assisted to make the laws clearer, more equal in administration; it helped to diminish mortality and disease chiefly amongst the poor; to unite art and comfort in the cheering of English homes; and it animated the mind to a common understanding of the principles by which the various classes were not intended by Providence to divide society, but to dovetail it; it showed the efficacy of combinations for good; the moral benefit of consulting together for mutual improvement. These were the noble aims of the discussions of the Association, which were certain to find sympathy with every noble nature of the country—not only amongst those who were working with them, but amongst all who were worthy of the subject. The common good, the maintenance of the very forms and spirit of their institutions, the fortunes, the stability, he might say the existence of this nation and its characteristic freedom—which none of them would wish to see other than it was at present—depended mainly upon the individual interests in the internal concerns of the country, which discussions like those that had been conducted during the week tended to encourage and stimulate year by year.

Sir Arthur Hobhouse having made some observations on the practice of the law with regard to the requirements of the

Digitized by Google

public, remarked that the work of lawyers was to find out what the law was, and then to apply it to the practical daily current of affairs of life.

The Hon. George C. Brodrick, after referring to the fact that a great and wide-spread ignorance was not only dangerous to the individual, but a peril to the whole community, and to the delusion that instruction in mere reading, writing, and arithmetic constituted the whole of education, as if the hearts of boys and girls did not need to be as much trained as their heads, and as if the nation were concerned in sharpening the wits and not in forming the character of its citizens, alluded to the very great importance of so organising education —of so building and connecting the various branches: primary, secondary, and academical—that the humblest lad in one of their parish schools (if he were really a lad of marked and exceptional ability) might rise by merit, and by virtue of that ability, through Grammar Schools to the Universities; and so, if he should be worthy of it, attain the very highest position in Church or State. A great deal had been done to connect the secondary schools—the great public schools—the Grammar Schools, and so forth, with the Universities. But the link between the primary and secondary schools was still to a great extent wanting. His object and desire was to band together by educational links the various ranks of society. He believed there was less social equality—less mixture of classes in this country than in almost any other, which arose from the want of common interests, tastes, ideas, and culture, which a better organisation of education would give; and that if they had a better mixture of classes and schools, and if more boys and girls rose from a lower position in the social scale to a higher position, it would go far to counteract the evil. His desire was that all ranks should have an opportunity to distinguish themselves, and that not only for their own sakes but that of the nation also. In that way alone could they get the full power and virtue of the country put forth.

Digitized by Google

Mr. David Chadwick, M.P., made some passing observations on the subjects which had been discussed in the Economy and Trade Section, and in reference to the general depression of trade said, that the lesson to be got from the old Book and from moral philosophers of all time was, that those who participated in large profits should provide for a rainy day. Working men whose wages had been raised from 20 to 100 per cent. ought to have saved a portion of their earnings, ought to have provided for the education of their children, ought to have laid something by for bad times. The purport of the remedy proposed was, that, now bad times were upon us, we should reduce our expenditure; that we should not only live within our means, but with much less than our present means.

Mr. P. H. Rathbone said it was one of the most unhealthy signs of Art that it should be made a mere matter of money. It was too bad that the work of a man, who had given his soul, and his heart, and his thought, and the labour of his life to it, should only be hung upon the walls of an exhibition, and be handed about from dealer to collector, and from collector to dealer, merely as a matter of speculation. It damaged the artist, it degraded the buyer, and it degraded all those who had to deal with Art. Referring to the national political value of Art as representative memorials of past events, he said: There was no town in the country of which its inhabitants might not be proud; he might almost say the same of every English village. It would be a great thing if men of whom the town was proud had their portraits upon the walls of the town-halls, but it would be a still greater thing if some of the incidents of the history of the town—incidents, for instance, of heroism—were also painted upon the walls. It was very essential that the memory of those events, of which a town was proud, should not be allowed to die out, and there was no more practical form of preserving them than by mural paintings in the buildings in which the people of the town were in the habit of assembling.

Digitized by Google

A vote of thanks to the Mayor for presiding having been passed, the meeting, which was exceedingly well attended, broke up.

The Mayor gave a large dinner party at the Plough Hotel on the evening of the Inaugural Address, and on a subsequent evening invited the members to a banquet at the Queen's Hotel. Brilliant soirées were also held—one at the Rotunda on the invitation of the Mayor, and another at the Ladies' College, organised by the Local Committee. On Saturday, the 26th, besides a pleasant excursion to Tewkesbury, members had an opportunity of visiting other places of interest in the immediate neighbourhood. On the following Wednesday a large party visited Worcester to view the Royal Porcelain Works and the noble Cathedral, and afterwards, on the invitation of the Chamber of Commerce, partook of luncheon in the Shire Hall.

At the concluding General Meeting on Wednesday, October 30, a report was presented on the results of the Congress,[1] and a cordial vote of thanks passed to the many persons who in one form or another had contributed to the great success of the gathering.

The following subjects were brought forward at the evening meetings of the Association during the Session:—'A Court of Criminal Appeal,' 'London Water Supply,' 'Frauds of Promoters of Companies,' 'Railway Accidents,' 'County Administration,' 'Local Government of London,' 'The International Prison Congress,' 'Artistic Improvement of Towns,' 'Employers' Liability for Accidents to their Servants.' The meetings were very well attended, and the discussions good.

The Standing Committees of the Municipal Law and the Repression of Crime Sections have considered jointly the subject of a Court of Criminal Appeal. The Committee had under its consideration as well the general subject of Appeals in Criminal Cases as that of the Criminal Appeal Bill, brought

[1] See Appendix, p. 741.

Digitized by Google

in by Sir George Bowyer; and it recommended that a jurisdiction in Criminal Appeal on the fact should be exercised by a Division of the High Court of Judicature, composed of three or more of the judges, by whom a conviction might be quashed or the sentence commuted, should the Court be of opinion that the evidence does not justify the conviction or the sentence passed, or that it has been occasioned from error of the judge or misdirection, or fault of the jury. The Committee also recommended that if after a trial new evidence should be forthcoming, the Court should have the power to order a new trial.[1]

In reference to the subject of Coroners' Courts, reported on by a joint Committee last year, a Bill was brought in by the Government to consolidate and amend the law relating thereto. The Bill has again been introduced this Session, and a Paper on it was read by Mr. W. H. Michael, Q.C., F.C.S., at an evening meeting of the Association, on Monday the 17th instant. The opinion of the meeting seemed to be that beyond the consolidation of the law, the Bill in its present shape, if passed, would do little to amend it, while many of the old abuses would remain intact. The need of a Public Prosecutor was throughout the discussion generally recognised. The Bill is referred to the Municipal Law Committee for consideration.

On the undertaking by the Government last Session to bring forward the question of a Public Prosecutor, the Council refrained from making any representation to the Home Secretary, in accordance with a resolution passed at the Liverpool Congress. A Bill has been this Session introduced, entitled the 'Prosecution of Offences Bill,' purporting to deal with the subject, and the Jurisprudence Committee has it at present under consideration.

The subject of the Summary Jurisdiction of Magistrates formed one of the special questions for discussion at the

[1] See *Sessional Proceedings*, 1878–79, p. 145.

Digitized by Google

Cheltenham Congress. A resolution was passed referring the question to the Council for further consideration. The Jurisprudence Committee is going carefully through the Bill on the subject which has been introduced this Session, and the result of its deliberations will be communicated to the Home Secretary.

The Attorney General's Bill for the Codification of the Criminal Law was also discussed at the Cheltenham Congress. It has since been very fully considered by the Municipal Law and Repression of Crime Committees. The clauses were gone through *seriatim* and reported upon at length, and the Report forwarded to the Criminal Code Commission.[1]

At the Cheltenham Congress Mr. Barwick Baker read a Paper on 'Cumulative Sentences,' on which a resolution was passed recommending the Council to represent to the proper authorities, that where an offence is proved, and a previous conviction within twelve months is shown, the last given sentence, whether of fine or imprisonment, should be doubled. The recommendation has been referred to the Committee of the Repression of Crime Section.

The Committee of the Repression of Crime Section also considered the question of Infanticide. The subject, which has been several times before the Association, formed one of the special questions at Aberdeen, and a resolution was passed requesting the Council to investigate the social and other causes, and to suggest appropriate remedies. Some ladies were added to the Committee, and a large amount of information was brought to bear upon the inquiry. The Committee, however, having fully considered the subject, was not prepared to make any recommendation.

An influential meeting of the Association was held on the 17th of May, the Earl of Carnarvon presiding, for the purpose of considering the best means of securing an effective

[1] See *Sessional Proceedings* 1878–79, p. 58.

Digitized by Google

representation of this country at the Second International Prison Congress, which took place at Stockholm, on the 20th of August last. The meeting heartily approved of the object of the Congress, and resolved that the Secretary of State for the Home Department should be asked to appoint official delegates to represent this country at the Congress. The first International Prison Congress was held in London, in 1872, under the auspices of this Association, its object being to collect reliable prison statistics, to gather information, and to compare experience as to the working of different prison systems, and the effect of various systems of penal legislation; to compare the deterrent effects of various forms of punishment and treatment, and the methods adopted, both for the repression and prevention of crime. A memorial was accordingly presented to the Home Secretary, urging him to appoint representatives to attend the Congress. On the part of this Association, the Council appointed the following as representatives at the Congress:—Sir Douglas Forsyth, C.B.; Sir John Smale, Chief Justice of Hong Kong; Mr. T. B. Ll. Baker; Mr. Serjeant Cox, and Mr. Alfred Hill.[1] The report of the representatives on the proceedings of the Congress was presented to the Council at the Cheltenham Congress. Dr. Wines, the Secretary of the Congress, also read a Paper on its proceedings in the Jurisprudence Department.

The Standing Committee of the Health Department had under its consideration the Public Health Act, 1875, Amendment Bill. The provisions of the Bill were carefully examined, and various amendments were suggested, having reference to the supply of water, which were handed to Mr. Brown, the promoter of the Bill, who promised they should be inserted in it. The Bill ultimately became law.

The Metropolis Management and Building Acts Amendment Bill was also considered by the Health Committee, and amendments recommending the abandonment of the permissive

[1] See *Sessional Proceedings* 1878–79, p. 109.

Digitized by Google

powers sought by the Metropolitan Board of Works, and suggestions of some other small alterations in detail, were forwarded to the Select Committee of the House of Commons which was then sitting on the Bill.

The resolution on the question of Spelling Reform, passed at Cheltenham, was referred by the Council to the Education Committee, with power to add to its numbers. The Committee has carefully considered the subject, and has agreed to resolutions affirming that a well-considered and generally recognised alternative method of spelling, in which each separate sound should be uniformly represented, would be desirable. These resolutions have been forwarded to School Boards, heads of schools, school inspectors, and others, with a request to be informed: 1. Whether the resolutions meet with their approval? 2. If so, what would be in their opinion the best authority to initiate any action upon the subject? and 3. How such initiating authority should be set in motion?

The Health Committee also had before it the question of Open Spaces, which was part of the subject of a special question at the Aberdeen Congress. The Council was then recommended to memorialise the Government in favour of the extension and utilisation of local powers for providing open spaces in towns generally. The Committee was of opinion that, bearing in mind the recent nature of legislation on the question, it would not be expedient just then to take any action in the matter. The subject, however, was again brought forward at the Cheltenham Congress, when a resolution was passed referring it to the Council to consider what should be the best course to adopt for the creation and provision of new, and the better care and administration of existing gardens and public spaces of the metropolis and large towns, so as to bring their condition and administration to the same perfection as displayed in the metropolis of France. The question has been handed over to the Committee for reconsideration.

The desirability of the Extension and Improvement of

Digitized by Google

Cottage Accommodation for the Rural Population was also referred to the Committee, which appointed a sub-committee to inquire into the details of the question, and directed that if necessary it should be discussed at an evening meeting.

The joint Committee on State Medicine, of the British Medical and this Association, presented a memorial to the President of the Local Government Board expressing a strong opinion that the constitution of local government districts, and the present anomalous condition of their boundaries in relation to the carrying out of sanitary measures, offer serious obstacles to good local government; and the memorialists hoped that the Bill on County Government, if re-introduced, may be so altered as to provide for a re-arrangement of county boundaries, especially in cases where local districts include part of more than one county, and where physical circumstances, with relation to drainage and water-supply, require an alteration of existing limits.

The Committee also presented a memorial to the Lord President of Council, in which they showed the desirability of opportunities being given to medical men to obtain registerable qualifications for the performance of certain public duties included under the head of State Medicine; and they recommended that in the Bill for the Amendment of the Medical Act, then before Parliament, clauses should be inserted providing that the examining boards established by that Bill should examine candidates in the subject of State Medicine, and should grant certificates of competency, to be registerable as qualifications in State Medicine for Medical appointments in the Public Health service.

The Committee, having considered the mode of reporting by Medical Officers of Health generally, ordered that an inquiry should be addressed to all extra-Metropolitan Medical Officers of Health, asking: 1. Whether they report periodically. 2. If so, how often, and in what form? and 3. Whether such reports are printed, and if so, whether circulated, and the

Digitized by Google

numbers published? The replies are now being tabulated for the future consideration of the Committee.

The resolution passed at Cheltenham as to the working of the Public Health Acts of 1872 and 1875 has been under the consideration of the Health Committee, and the Committee has agreed that it would be premature at this juncture to pass an opinion.

The subjects of the Extinction of Customary and other Special Tenures and the Conversion of Leaseholds; and the desirability of Promoting the Scientific Teaching of Music in Elementary Schools, referred to the Council by resolutions passed at Cheltenham, are now in the hands respectively of the Committees of the Municipal Law and Art Departments for consideration. The latter subject will be discussed at an Evening Meeting, at which Dr. John Hullah will read a Paper.

At Liverpool and Aberdeen a Section for the consideration of subjects connected with Art was added to the other Departments of the Congress by particular desire of the local authorities. The success of the Section on both occasions led ultimately to the consideration as to whether it might not be with advantage continued regularly, and at the last Annual Business Meeting of Members, a permanent Art Department was proposed, and a resolution carried authorising the establishment of a Department, exclusively for the discussion of Art subjects.

Sir John Smale, Chief Justice of Hong Kong, and Dr. E. C. Wines, Secretary of the Prison Association of New York, have been appointed Foreign Corresponding Members of the Association. Dr. Farr, F.R.S., has undertaken the duties of Treasurer, in the place of the late Mr. W. S. Cookson, Mr. E. Herbert Draper that of Joint Secretary to the Economy and Trade Department, and Mr. H. C. Boyes of Secretary of the Art Department, in succession to Mr. H. H. Statham, resigned.

Digitized by Google

Since the publication of the last volume of 'Transactions' several deaths of members of the Association have taken place, among whom the Council record with deep regret the following:—The Right Hon. Earl Russell, the Right Hon. Russell Gurney, Q.C., M.P.; Sir Francis H. Goldsmid, Bart., M.P.; Corr—Vander Maeren, George Botley, John Brooke, Sir James Cox, M.D.; John Dickinson, S. S. Dickinson, M.P.; Richard Hammill, W. G. Lumley, Esq., Q.C.; Alexander Robertson, Bentley Shaw, Thomas Sopwith, F.R.S.; Daniel Sturdy, William Taylor, F.S.S.; Sir H. S. Thompson, Mr. Arthur Trevelyan, Sir Walter C. Trevelyan, Bart., and Sir F. Martin Williams, Bart., M.P. Reference to some of them is made by the President of Council in his address.[1] Sir Francis H. Goldsmid, who met with an untimely death, was, many years ago, an active member of the Law Amendment Society, and interested himself much in the business of this Association. Mr. Sopwith, at the time of his death, was one of the auditors of the Association. For some years he attended regularly the meetings of the Association, but failing health of late prevented him from doing so. To Mr. S. S. Dickinson, M.P., Mr. William Taylor, F.S.S., and Mr. Arthur Trevelyan, the Association was on various occasions indebted for contributions.

A statement of the accounts for the past year is annexed. At the end of the financial year, July 31st, 1878, there was no liability, and a balance was carried forward of 268*l.* 12*s.* 1*d.*

The Corporation of Manchester has invited the Association to hold its next Congress in that town. It is thirteen years since the Association met there, and it is hoped the meeting will be as brilliant and successful as that which *then* took place. The Corporation has appointed a Committee to aid in the preliminary arrangements, and at a large meeting in the Town Hall on the 21st inst., the Bishop of Manchester in the chair, in the unavoidable absence in London of the Mayor, an influential

[1] See *post*, p. 151.

Digitized by Google

Local Committee was formed, embracing representatives of every class and section of the town. Many of those who aided the Association at its former Congress there have again come forward, and everything promises well for the forthcoming meeting.

I may state in conclusion that the editing of the present volume of 'Transactions' has been conducted by a Committee composed of the President of the Council, the Honorary General Secretary, and the Honorary Secretaries of Departments, and that our labours have been materially lightened by the assistance of the energetic Assistant Secretary of the Association.

FRANCIS G. P. NEISON,
Hon. Gen. Secretary.

24th March, 1879.

Digitized by Google

Sermon

PREACHED BEFORE THE ASSOCIATION

IN

THE PARISH CHURCH, CHELTENHAM,

ON WEDNESDAY, OCTOBER 23, 1878,

BY THE REV. ALFRED BARRY, D.D.

CANON OF WORCESTER CATHEDRAL, PRINCIPAL OF KING'S COLLEGE, LONDON, AND HONORARY CHAPLAIN TO THE QUEEN.

CHRISTIANITY AND THE SCIENCE OF LAW.

The law is good, if a man use it lawfully.—1 TIM. i. 8.

THE very presence of the representatives of this Congress in the House of God is infinitely more suggestive and more instructive than any words which could be spoken even by an eloquent and thoughtful preacher. For it distinctly stamps the work of this coming week with the religious conviction that they who take part in it are simply 'Fellow-workers with God' in carrying out towards all humanity the laws of His beneficent providence—a conviction in which lies the secret at once of an inspiring confidence and of a chastening humility. Of confidence, because it tells us that any work which is in accordance with that Supreme Law, can no more essentially fail of its purpose than the stars can fall from their orbits. Of humility, because it reminds us that the agency which we can put in motion is only one out of many agencies, all marshalled under the one Divine Will, and working out, each in its own appointed way, the manifold wisdom of God. It must be in that conviction, my brethren, that you ask to-day His blessing on your work. In that conviction during the coming week may the work itself go on and prosper!

Digitized by Google

But still, on occasions like this it is natural, almost inevitable, that one who is bidden to address you as a Minister of Christ should try to think out for himself, and to the best of his power to suggest to you, what is the true relation of the principle of religion—that is, ultimately of the spirit of Christianity—to the work of the Social Science Congress.

It is obvious that it ought to be a relation of sympathy. Our Lord himself taught us (in a passage, which, as it happens, is the Gospel of this week), that, while the love of God is the first and great commandment, directly or indirectly claiming 'all the mind' of thought, 'all the soul' of moral resolution, 'all the strength' of practical work, yet there is 'a second like unto it'—like in its universality of scope—like in the perfect harmony which unites both together—like in the mutual action and reaction, by which the lower leads up to the higher, and the higher by reflex action kindles and exalts the lower. That second commandment is 'the Love of our Neighbour'; and the whole history of the origin and growth of this Congress shows plainly enough, that—if in its promotion of social well-being it does not despise the principle of enlightened self-interest—if it appeals thoughtfully and calmly to the massive strength of public duty—yet in the mind of those who give to its work time, labour, thought, there has always glowed the fire of the higher spirit, which modern phraseology describes as 'the enthusiasm of Humanity,' and which the Bible calls by a homelier but perhaps more intelligible name, 'the Love of our Neighbour.' It is therefore, surely in a spirit of unreserved sympathy, that one who contemplates society from the Christian stand-point should regard whatever is to be done here to search out social evils, and to apply their remedies, to understand principles of social well-being, and to promote their application in these critical times of English and indeed of all European society.

Very clearly this ought to be so; and in constantly increasing degree, I trust it is so. Christianity is learning more and more—in respect of its own essential agencies on the one hand, and of all other agencies of true enlightenment, culture, beneficence, on the other—to enter into the full meaning of our Master's words, 'These things ought ye to have done; and not to leave the others undone.' It is certainly right that it should trust first and last, with all the strength of a sacred enthusiasm, simply to the Light and the Grace of Christ, which it is the privilege of His Church to minister. But it is now felt also to be right that, as in its missionary work abroad, so also in its work—half missionary and half

Digitized by Google

pastoral—at home, it should welcome heartily all forms of agency which, being true and good in themselves, must necessarily work in obedience to what our first great English Divine calls 'the Law Eternal' of God. For that Law has many branches, natural and supernatural, while in each and all it bears one fruit of obedience to the supreme Will.

But yet sympathy is far from implying identity, either of character or method. It exists, as between individuals, so between parties and principles, which are not so much like, as complementary to, one another, each following up a sphere which the other does not seek to occupy, both supplying peculiar currents of force, which move in opposite directions to complete the circuit of perfect unity.

So (as it seems to me) it is with the principle of religion, embodied in Christianity, and the principle of Social Science.

I. Christianity starts necessarily with the individual soul. Its first gift, implied in the very word 'Atonement,' is the realisation of a spiritual tie between the soul and the God who made it and quickens it—a tie belonging to the very nature of man—a tie broken by sin, but knit together once more in the redemption of the Lord Jesus Christ. Its second gift, the gift of grace, is simply the reproduction in each soul, thus reunited to God, of the life of the Lord Jesus Christ; so that it may say in the words of the apostle, 'I live, yet not I.' It is the 'Christ that liveth in me.' In respect of both it is clear that the soul is brought (as Holy Scripture has it) 'into the wilderness' of a holy solitude, 'where God may plead with it face to face.' And again, as in respect of these its Divine gifts, so in the one condition of receiving them, there is the same perfect individuality. Faith is an individual act. Even in the gathered congregation of Christians, though in prayer and praise they speak as one, yet in the 'I believe' of Christian faith each can think, speak, act for himself alone—conscious (as has been said), in the moments of his highest aspiration, of two existences, and two only, God and his own soul. All religion, which deserves the name, starts thus with the individual; and so starting, it cannot in its essence be a system of laws, rites or institutions. It is a life 'of the Spirit,' free alike in the grace of God which awakens it, and in the answer of faith and love, which marks the awakening. We know how the same apostle, who in his old age calmly and (so to speak) judicially, determines in the text the right use of law, yet in the stormier crises of his ministry had to protest, with all the vehemence of his nature, against all such idolatry of law as should attribute to it a chief place in the

Digitized by Google

work of salvation. He had in truth to fight, as in a matter of life and death, to maintain the perfect individuality and perfect freedom, as of the grace of God shed abroad in the soul, so also of the faith which throws the soul absolutely on that Divine grace, alike for acceptance and for regeneration.

It is true that Christianity has its sacred and undying principle of unity, and I may add that it is the only unity which the world has yet seen, absolutely co-extensive in capacity with humanity itself, embracing all races, all ages, all types of character. To be 'Catholic' is not an accident, but an essential property, of the Church of Christ.

But that unity, be it ever remembered, though it exists between men, is not a direct unity between them, but an indirect unity, necessarily following from the direct unity of each soul through Christ with God. The limbs of the body (to use the well-known metaphor) are one, not as bound to one another—the foot to the hand, or the ear to the eye—by bonds which must fetter the free action of each; but because all are united to the one source of nervous energy in the head, or to the one source of a common life-blood in the heart. If you trace in St. Paul's epistles the development of Christian doctrine, corresponding (as of course it necessarily corresponded) with the parallel development of the Christian Church on earth, you will find first, in the four great epistles of his third missionary journey, the gospel of personal Christianity, and then in the epistles of the Captivity, the full doctrine of the holy Catholic Church. The Lord Jesus Christ is hailed as being life out of death to the individual soul (as in the Galatian and Roman Epistles), before He is contemplated under the grander and profounder conception of the Epistle to Ephesus, as 'gathering all humanity unto Himself.' This is the Divine order; and it is (be it remarked in passing) rather from inverting that order than from absolutely ignoring either element in it, that so many errors have arisen to pervert the Christian life, and so many controversies to vex and divide our common Christianity.

It follows, moreover, from the very nature of this religious unity, that it manifests itself rather in principles than in laws. It is able to adapt itself to the framework of the various institutions of human society in various ages and spheres; and while it so adapts itself, it tells with a strong, though often indirect, influence upon these institutions themselves. It has, moreover, of necessity its own laws, its external and visible means ordained by Christ himself, and its rules, its ritual, its discipline, at once symbols of the inner unity and means of

Digitized by Google

moulding to it the outward life. But its real life lies not in these. They are nothing, except as appropriated by individual faith; so far as they are laws, they are even then but secondary influences, which cannot without grievous error and harm be exalted to a chief place in religious life. When St. Paul in the great passage in the Ephesian epistle (iv. 4–6), which sums up its whole doctrine, dwells on the 'one body,' he places the source of unity in the indwelling of the 'one Spirit,' the 'one Lord,' the 'one God and Father of all;' he finds its means in the 'one baptism,' which is the gift of individual grace; he traces its signs, not in one law, one rite, one discipline, but in 'one faith,' and 'one hope of our calling,' and in the charity which is the one 'bond of peace.' Happy had it been for the Church, if all who moulded her thought and guided her destinies had moved always along the apostolic lines!

II. Such is the method and principle of Christianity. Pardon me if I have dwelt upon it with strong emphasis; for it deeply concerns us as Christians to ponder it well, in times which drive us to determine what is the very heart and centre of our Christianity. It begins in individual life; its unity expresses itself mainly in living principle and not in law. Now the very principle of the work of this Congress is (if I understand it rightly) exactly the converse of this. It is so in its theory. For it starts with society considered as a whole; its science claims to be social not individual; its great object is to discover and to enforce the right means by which society, as such, reacts on the individual for his right development in body and soul. It is so in its method. It appeals, of course, to individual thought and conscience; for it must enlist individual energy in the cause, especially in a country where such energy counts for much, and where it is the privilege and the duty of all. But this energy is regarded not as acting in isolation and independence, but as working through the community, in virtue of the power of influencing corporate action which is the birthright of every Englishman.

Hence, since law is (so to speak) the syllabled expression of the voice of society as a whole, the great machinery of this Congress is the machinery of law. If I am correctly informed, it arose in the first instance out of the study of the right action of law in its repressive and corrective functions: and although it has naturally outgrown its earlier limitations, and is evidently still capable of a far larger development, yet, unless its whole character be altered, it is still with law, in the largest sense of the word, that it must deal. First, with Law in the abstract—

Digitized by Google

the science of jurisprudence, the right methods of administration, the simplification and completion of that perplexing and heterogeneous congeries of laws, the irregularities and inconsistencies of which are the price we have to pay for the priceless blessing of a spontaneous and gradual growth of our English Constitution. Then Law in its application to all—the laws of health, preserving the body, telling on the visible circumstances of life, and through them indirectly fostering the decency, the self-respect, the superiority to mere animal temptations, which are more than bodily—the laws of education brought to bear on the mass of society, freely if it may be, compulsorily if it must be, dealing primarily perhaps with the understanding, but necessarily, in the complex nature of man, affecting the conscience, the heart, and even the spirit—the laws of commerce, and the economy regulating all commercial action, which represent to us human society as held together by mutual needs and common interests—the machinery of that Art-teaching, which is now more and more winning its way to a right place in national education, guiding and kindling the imagination, which, perhaps more than any other faculty, is the connecting medium between the clear, cold light of intellect, and the warm glow of affection. Lastly, Law in its partial and abnormal application to the evil-doer—the function of punishment, whether as deterrent from crime in general, or as reformatory to the criminal in particular—the means of prevention of crime, as far better than punishment, in removing excessive temptations and in laying hold of the young life, just as it begins to grow in the direction of crime, but before it is stiffened in that perverse and unhappy direction. But in all cases the great question seems to be, How shall society by that influence of central law to which the current of public opinion now concedes such scope as in the last generation would have been thought unsound, dangerous, impossible—how (I say) shall it act upon the individual both for his natural well-being in body and soul, and for his correction (if need be) and restoration to well-being?

Hence, as I have already suggested, the action here pursued is the converse of the action of Christianity. Christianity starts from the individual; your science from society. Christianity acts by the free energy of principle; you would act by the wholesome direction and constraint of law.

Yet this converse action is not antagonistic, but complementary. It completes (so to speak) the natural circuit. In the one process the Sun of Righteousness, shining on each point of the earth and sea of humanity, draws out, by subtle

Digitized by Google

invisible action, the exhalation of spiritual life. In the other, that invisible exhalation, rising continually till it pervades the whole sphere of life, is condensed on the firmament, which encompasses it as a whole, and so falls in visible rain, fertilising every spot of earth, and replenishing the great reservoir of the ocean. If the first be the primary action, from which all starts, and without which the other is impossible, yet the second is its needful complement in the Divine order, and, if it fails, the full natural circuit must be broken, and the primary force be wasted in illimitable space.

Each principle must recognise the other, resisting the temptation (inherent in all earnest devotion, whether to religion or to science) to make that in which it believes to be simply all in all, and to view with jealousy, if not with hostility, any other power which claims to have an independent and co-ordinate place, in working out the welfare of Humanity, and therefore the glory of God.

So the Christian would be compelled to hold the advocates of Social Science as wrong—even dangerously wrong—if they believed that mere machinery, rightly constructed and worked, would do everything—if they ignored the free action of spiritual forces, or denied to it the first and chiefest place in working out the welfare of Society. Against such idolatry of Law the Christianity of to-day ought to protest with all the fervour of St. Paul, declaring that the true well-spring of human salvation and growth lies in the individual communion of the soul with God in the Lord Jesus Christ, and the free growth of His true humanity in each individual soul.

III. But the time for this—if it ever existed—has now passed away; and the hour has come in which, with the aged apostle after his great battle was won, we may say with grave and hearty emphasis, 'The Law is good, if a man use it lawfully.' It has its right and sacred function. So it is in the moral government of God; so, if human law be just and right, wise and self-restrained, and thus accord with the Divine government, it must be with the law of man. It has its function. All honour to those who give study and labour to consider how it may fulfil that function; not by haphazard, not by temporary makeshifts to meet partial exigencies of the moment, not in the partiality of class legislation, not in the timidity of tentative expedient and inconsistent compromise; but with the thoughtfulness and the method, the largeness and the determination, of true Social Science.

It has, indeed, its various functions; but it is in its function as affecting the moral and spiritual life of society, that Chris-

Digitized by Google

tianity must feel the deepest interest. There is no more notable instance of a truth, so enunciated as to convey impressions of falsehood, than the trite and plausible saying that 'No man can be made happy, moral, religious, by Acts of Parliament.' It is, of course, a truth; for the real spring of happiness, goodness, holiness must be from within—called forth there (as the Gospel emphatically teaches) as a stream of 'living water,' by the Spirit of God. But it is a shallow falsehood, if it conceal the fact that law may do much, and ought to do as much as it may, to remove hindrances and to create facilities for the happiness, and the goodness, and the holiness of man. In the outer sphere of action how much can it do to aid that harmony of individuality and unity, which all true religion maintains in the inner sphere of the spirit, bidding the individual to obey and consider society at large, bidding society to protect and care for the individual! I may remark that, while the former of these agencies belongs to all law—being, in fact, the very reason of its existence: the latter—the care for the freedom, the growth, the sacredness, of individuality—is not only the glory of modern law, and of the science which amends and directs it, but is not obscurely connected with the influence of Christianity itself on modern thought and modern civilisation.

You will trace easily this double influence of law in all the various forms of its action.

Look at the form of law at which St. Paul in the text and its context especially glances. I mean its repression of evil-doing—its removal of the hindrances to good which arise from the vice, the crime, the sin of men.

Note how to the old idea of simple vengeance on evil—right in itself, but difficult, if not impossible, to carry out by the hand of man—there has succeeded, first, the principle of deterrence from crime, that is the protection of society from individual wickedness; and next, the principle of chastisement and reformation—in old days hardly dreamt of—which shows the care and sympathy of human society, even for the sinful individual.

Note how, going even beyond repression and chastisement, our modern law aims at prevention rather than cure, recognising the existence of strong temptations in the social conditions of modern life—as, for example, to the degradation of drunkenness, and the lazy helplessness of pauperism—and holding it a duty within the necessary limits to lighten, if it may not remove them.

Consider again that phase of the action of law, in which

Digitized by Google

it seeks to contend, not against the crime, but against the ignorance, the shortsightedness, the narrow selfishness of men. Mark how in enforcing laws of health, if it steadily forbids the individual to misuse his liberty to the public harm, yet, on the other hand, it bids the community protect and surround with wholesome influences all its individual members, especially of the poorest and most helpless class. Mark how in laws of education it first obliges the community to supply such aid as these poorer classes need, before it steps in by compulsion to force an ignorant or wilful parent to do his duty, at once to his children and to the country whose future citizens they are. Mark how in laws of trade it aims, not only at guarding society from the individual cupidity and dishonesty, which seeks at all costs what it falsely deems its personal interest, but perhaps even more at giving the greatest possible scope to individual enterprise, and guarding each man against the tyranny of a stronger neighbour, or the worse tyranny of a class.

But even beyond these functions of stern repression and of wise regulation and coercion, there is, I believe, another function of law, which approaches even nearer to the moral influence of religion. I mean its didactic power. That power in an indirect form is absolutely universal in all law. Law whatever its phase, is, or ought to be, the result of the best learning, wisdom, largeness of view, which society can command, moulded by the originative genius of the few, corrected and accepted by the broad common sense of the many. It cannot but be, on the whole, wiser, sounder, more righteous, than the will of the average individual; and if so, the very presentation of its dictates must be a form of teaching, showing what objects man as a social being should aim at—what influences as an individual being he may rightly use for his spiritual growth. It may not be the highest form of teaching; for there are sacred principles with which it cannot meddle. It may not be the most elastic and discriminating form; for its rules are hard and fast rules, and, if taken alone, we all know that *summum jus* may be *summa injuria.* But it is a singularly plain, definite, authoritative power of teaching; and it should be remembered, oftener than perhaps it is, that for one man who falls under the repressive or coercive power of law there are hundreds who feel its directive and didactic influence—just as (to take a modern example) for one parent who feels the lash of the laws of educational compulsion, there are hundreds who have been taught by it to estimate the value of education, to feel the duty which in this

Digitized by Google

respect they owe their children, and to understand that those children are not wholly theirs, to do with as they will, but that they belong also to the country, and to humanity at large.

But besides this universal didactic power, law begins now to assert a more partial, but more direct, didactic function, in the provision for the masses of our people of the various materials of culture in Nature, Science, and Art, which to individual power are impossible, but to our national wealth are easy. It has begun to do this—perhaps only begun—but, in comparison with times which I can well remember, it has already risen to new and loftier conceptions of its power, not only to repress, not only to coerce, but even to teach.

IV. Yes! in these ways, and in many other ways on which time forbids me to touch, we acknowledge that 'The Law is good.'

It is not strange that this acknowledgment should every day be more unreserved.

Science, both physical and metaphysical, teaches us more and more of the influence of the universe and the outer life upon the individual life of the soul. Religion in all its various phases concerns itself in these days, far more than in days gone by, with the unity and life of the whole body of the Church, as co-ordinate with the inner life of the individual soul. It is natural that in political and social government there should be a corresponding progress; and that the rights of the community be less absolutely postponed to the rights of the individual.

I do not forget—I pray you not to forget—the apostolic caution 'if a man use it lawfully.' But I have little fear for the strength and sacredness of individuality in England. Science may teach what she will as to the greatness of external law and force; but her very discoveries only show the higher greatness of the human reason in the individual soul which makes them. Law may do in England as much as it can; but there is no fear that the sturdy individual freedom, which has grown with our growth, till it is as natural as the air we breathe, will ever be overborne. But if it were, Christianity itself would take up the defence of the individual freedom and responsibility. While we believe that each individual soul is a soul for which Christ died and in which He lives—a soul, which in its privileges, and responsibilities alike, stands alone in Him face to face with God—I have no fear that law will usurp our freedom, or the individual be

Digitized by Google

lost, either in the 'worship of the *Universum*,' or the '*Cultus* of Humanity.'

Therefore I believe that Christianity should wish God-speed to searchings into the laws of the world, which it knows to be but expressions of the will of God—whether the physical laws which are the study of the British Association, or the laws of humanity, which are cared for by your Social Science.

Therefore I believe that you on your side do wisely and well, that you thus inaugurate your Congress to-day by the worship of Christian Faith in the House of God.

God (says St. Paul) ordained that everywhere and in every way men should not only 'feel after Him,' but should 'find Him.' For the Apostle knew well that the writing of God's hand could be seen by those who had eyes to see, in the diffused light, which shines from the Book of Nature and the Book of Humanity, as truly, though not as brightly, as in the concentrated glory of the Book of the Word of the Lord Jesus Christ. God grant us power to read it, not in one only, but in all!

Digitized by Google

Opening Address

BY THE

RIGHT HONOURABLE LORD NORTON, K.C.M.G.,

PRESIDENT OF THE ASSOCIATION.

IN opening the twenty-third anniversary of the National Association for the Promotion of Social Science, I am for still prefacing our resumed discussion with a repeated definition of our work.

Our subject is the conditions of social prosperity in moral as well as economical aspects. It is the complement of political economy, which ascertains the principles of getting wealth, while we study its best uses.

In this view we begin our meetings always with Church Service, considering it a heresy too often preached and spoken which separates secularities from religion—the fuel from the fire—as if the social work of mutual duties were not the very substance on which the religion of all capable of action practically lives.

I have a deep interest in this Association as one of its original members, and having twice presided over one of its departments. The birth of this Association followed, at some interval, that of the British Association for Discussion of Mathematical and Physical Science. I recollect the christening of the first-born, and the long debates there were in selecting an appropriate name. Some Germanisers proposed to coin the name of Nature-Pokers. Had it been given we should have been driven to the cognate name of Moral-Pokers. It is worthy of recollection that the novelty of these associations illustrated itself by the difficulty in finding names suited to express their idea.

A science of social improvement engaging the thoughts of

Digitized by Google

society itself is a characteristic novelty of modern times. There may be novelty of danger also in too much abstract theory and sublimated philosophy about plain and ordinary duties. The rough practice of our forefathers might actually be dissipated in empiricism if the scientific studies were not tested, in such discussion as we are met for, by practical experience.

I may be pardoned so far referring to myself as to say that I happen, at this moment, to be in a position specially inviting retrospect and comparison, having just concluded nearly forty years of constant work in the House of Commons, where I have taken part in many of the social questions which also, for half that time, I have heard ably and suggestively debated here.

The leading thread in recent home legislation has been the popularisation of our institutions, and the reviewing them in the interests of the people at large. Our political struggles have ceased from class and personal rivalries to compete in schemes of national benefit. Some demagogues still harp on bygone jealousies, and fail to see how the narrower courses of political currents have gathered from all sides into a wider channel; and they seem unconscious that, had they themselves lived in the former times, they would have been even as others. Mr. Lecky well says, 'A great injustice is done when the politicians of one age are measured by the standard of another;' and an equal folly consists in retaining old prejudices in novel and progressive times.

The popularisation of our Legislature fortunately popularised our social legislation without altering the relations of society. Less fortunate countries have taken the name of republic, retaining in substance the evils of central or oligarchical power, or in the name of equality sinking higher influences to the lowest level. Here the interests of every class have become the united care of all—in a completely national representation of all—not in the way of patronage by the higher, nor of demand from the lower, but in common consultation together. The whole kingdom is in constant conference—congresses, leagues, meetings, and associations upon every public interest, contributing a thousand feeders to the general council of Parliament. It is the nation that speaks and thinks for itself, both on its own domestic concerns and in foreign demonstration. One may say of public opinion so gathered into action by a free self-administering people what Virgil attributed to Rumour: 'Tot vigiles oculi, tot linguæ, totidem ora sonant, tot subrigit aures. Luce sedet custos, nec declinat lumina somno:' I hope not 'tam ficti pravique tenax quam nuntia veri.'

Digitized by Google

But rapid as the progress of ideas has been, which has brought about this general demand for improvement in all that concerns our social well-being, no one can fail to see that the progress is still more rapidly advancing. The requirements of civilised life, and inventions to meet them, increase in geometric ratio. Who can imagine the condition of things thirty years hence, recollecting what a revolution the last thirty years have witnessed? And this nation takes the lead, if not in invention, certainly in the enterprise of the whole world. Nothing but the careful and freely interchanging study of social science can qualify any one of us to take a useful part in such restless progress.

Our annual meetings are mainly serviceable for the open statement and mutual comparison of facts collected year by year in the several departments of social science, and for the testing in free discussion of individual inferences from them; tracing results to their true principles and original causes, forecasting their probable issue, seeking for their best possible fruits, and avoiding any latent evils. The chief advantage from these gatherings is the preventing individual thinkers from attributing general results to particular causes, in ignorance of miscellaneous conditions, extraneous influences, and incidental modifications which the union of various experience and reciprocity of debate must bring to light. Social science, like mechanics, has to deal in all its problems with conflicting forces qualifying and counteracting each other. There is special danger in this day of widely distributed social power beyond the basis of education in its possessors, lest social theories should be accepted *à priori*, on hasty assumptions of abstract right, and universal principles, with no sufficient study of correcting circumstances, nor appreciation of conflicting claims. Burke said boldly that what is abstractedly right must be politically wrong; and popular freedom in an old country may be impatient of the slow and tangled process through which the public opinion of advanced society must mature for the production of any sound legislation.

There are five heads under which our discussions are grouped—Law, Education, Health, Economy, and Art as applicable to social improvements.

We want rather, leaving the principles of recognised doctrine, to go on towards perfection—to record recent progress, and to consider what we have now in hand.

Law.—To begin with our Law Department, I may say that, not to enter in detail on the many measures, and special subjects which this Association has in hand, such as Interna-

Digitized by Google

tional Law, Land Laws, Mercantile Law, Maritime Contracts, Frauds of Companies, Bankruptcy, Patents, and questions of Local and Territorial Jurisdiction, there have been two general and comprehensive subjects mainly kept in view, the defects of our tribunals and procedure, and the confused state of our Statute Book.

On the first head the Judicature Act of 1873 and its sequels have done much. They have consolidated courts, and fused law and equity. The union of all the superior courts in one Supreme Court of Judicature, and the appellate jurisdiction ultimately settled, have effected much in economising judicial time and power, and in simplifying law proceedings. We shall hear from Mr. Miller, who ably discussed the scheme here at its outset in 1876, what he thinks now of its working under the rules and orders which, in their first draft, he criticised. No one could better lay open for our discussion what has been the judicial handling of this important legislative work, and whether we should look to its issuing in the breaking up of the divisional arrangement of courts altogether.

On the other head, that of confusion of laws, our programme specially calls attention to the Codification of the Criminal Law, with particular reference to the Attorney-General's Bill of last session.

No greater work has Parliament undertaken of late than this of simplification, condensation, and re-arrangement of our accumulating, and ever amending laws. Sir James Stephen led the way by his Indian Penal Code, and on his return to England making and publishing a similar Digest of our own Criminal Law. Probably if an individual enterprise, and that undertaken by one of such eminent qualification, had not effected this first step, the work would have had little chance of ever passing through the Legislature. The Lord Chancellor Cairns has the credit of immediately recognising the opportunity so given, and Sir James's Digest is the quarry from which the Attorney-General's Bill has been taken and shaped. Though codification of the whole law is in view, this Bill deals only with a part of the criminal law, namely, that relating to indictable offences. This part, however, is of the first importance, and quite enough to begin with. The Bill defines crimes, who commit them, what may justify, and what the punishments; and though we have not carried even this much into law this year, it is satisfactory to know that such a Bill is drafted; and that it, together with a further instalment of the work (a similar Digest as to subjects of summary treatment) are relegated to such a triumvirate as

Digitized by Google

Sir James Stephen, and the Judges Blackburn and Lush, for their exclusive attention during the recess. Their object, like that of the Decemviri in drafting the Twelve Tables, is publicity and popular intelligibility of law; and restriction, within clearly written terms, of judicial interpretation, so that the law may be clear, consistent, equal; and neither punish without being known, nor let the guilty escape through intricate chicanery and obsolete forms. The laws condensed and simplified in Sir James's Digest are subjected also to material amendments in the Bill. The distinction between felony and misdemeanour is to be abolished. Accessories will be treated on the same footing as the actual committers of crime. A better apportionment of punishment is proposed by the abolition of *minimum* sentences, so as to give judges more power to mitigate punishments; and to escape from the inequality and apparent injustice which by various successive enactments have become attached to *maximum* terms, causing great embarrassment to judges, and a mischievous multiplication of enactments. Cumulative punishment is also dealt with, and constructive murders, and infant murder. The meaning of provocation is defined more strictly, and the equivocal phrase 'malice' is discarded altogether. Not less than 160 out of the 425 clauses are devoted to improvement of procedure. There is therefore much amendment as well as consolidation in this Bill. Some of these alterations are matters of controversy, and it is much to be hoped that they may be fully discussed out of doors before the Bill comes again into Parliament. It was a strongly expressed opinion of Lord Brougham's, and certainly the lesson of much recent experience, that consolidating Bills cannot pass well through Parliament except so prepared beforehand as to pass almost *en bloc.*

Sir James Stephen has also pointed out, in an article in the December number of the 'Nineteenth Century,' possible improvement in the present arrangements for holding assizes and sessions which have not yet been carried out, and questions of vital importance in the management of trials, particularly that of the interrogation of accused persons, and of appeals in criminal cases.

A section of our Law Department is always devoted to the subject of Repression of Crime, and this year there will be special consideration of the proceedings of the Stockholm International Prison Congress.

The reformatory view of penal treatment has always been prevalent in these Congresses. To such an extent was this

Digitized by Google

view taken at the first meeting in London, 1872, that the principle was laid down that imprisonment should be continued till the criminal showed proofs of an entire moral cure, and some proposed further to add to this process of punishment the teaching of some kind of industry. But since the rough notion of vengeance and retaliation in punishment has ceased to be entertained, its true aim has been recognised pretty generally to be the prevention of the repetition of the offence either by the offender himself or others. The entire moral cure of the offender does not come within the idea of punishment. The idea of punishment cannot embrace the much larger idea of education. The course of education involves the use of punishment incidentally as the corrective of transgression. An educatory punishment prolonged during several years of a criminal's life, and after his teachable years are past, is as unphilosophical as a dietary of medicine, and as hopeless of success.

No modification of prison-life can offer healthy education. Separate cells have their mischiefs and dangers—herding together much more. The shorter the punishment the less chance of its necessary bitterness corrupting its subject still further, and the closer will be attached to the offence the *caveat* against its repetition.

Philosophers are sure to over-refine, and despising vulgar remedies they would in this case prescribe an artificial manipulation of the patient; as if a state of correction, apart from natural life, could reclaim ordinary criminals on every occurrence of crime from all their vitiated habits and motives. Solitude in a cell may give space for better inclinations to recover in the minds of men more of the class of the penal philosophers themselves; but a much rougher repellent is more likely to be effective on the rough motives to be generally dealt with; and restoration to natural life and occupation, after a strictly medicinal treatment, is more likely to be a course of subsequent reformation.

We are going far astray alike in attempting education of adult criminals in prisons, and in penal treatment of criminal children, during the whole of their childhood, in reformatories. It is on this doubly false idea of prison-schools, and school-prisons that we have shut up in a caged existence, and lost to industry, so large a portion of our able-bodied population. I agree with the Home Secretary, that we have far too many in prison. Imprisonments are too long to bear any definite character of terror or example about them, or to be connected with any particular crime; and too short certainly

Digitized by Google

for the chimerical enterprise of a clinical cure of criminal characters.

The financial aspect of having an average in England alone of 18,000 prisoners, and 10,000 convicts under penal servitude, maintained at public expense, with their wives and families in workhouses, is not unworthy of consideration, to say nothing of the 90,000 yearly imprisoned on summary convictions.

By all means let national education have the fullest development, but let us keep the penal code to its proper province, that of deterring from crime, by the shortest and healthiest possible appeal to the motive which led to it. The sooner a criminal can be brought back again to his proper place in the community the better.

The long terms of penal servitude which are somewhat recklessly imposed, especially at Sessions, were a mistaken imitation of our old sentences to transportation—that antiquated riddance of criminals out of sight which, when it became confounded with the vital enterprise of emigration, was no longer tolerable. But transportation was in its nature necessarily a lengthened process. Penal servitude had really no relation to it involving a similarity of terms. Our lawyers are too apt to confound crimes in their minds with the terms of punishment which have been attached to them, as of five years, or seven years, or ten years detention; as a quack might classify diseases by his assigned number of pills to each. Depth of crime and length of punishment are not co-ordinate. The deepest crime has the shortest punishment, namely, death. Short imprisonments are said to be ineffective, but experience proves the reverse, for the first, that is the shortest, are generally the most effective because most felt, and a little more severity in them would do more than lengthening their duration, to diminish the number who will still come for a second dose. For many crimes corporal punishment is proved to be the only one for which the criminal will not come again. The sentiment which would sacrifice effective correction, because it is as coarse as the motives it checks, would be laughed at if alleged against the use of a loathsome specific proved effective against a loathsome disease. Some members of the International Congresses accused this country of brutality for the use of the whip in prison; but a little investigation showed that the accusers were themselves resorting to actual torture for the needful maintenance of their prison discipline. In one country they shut up their mutineers in iron cells with a *piqué* floor; and in one they make them sit astride an edged iron bar for so many hours a day.

Digitized by Google

The Howard Association has just reported on prisons. I cannot agree with them in recommending the cumulation of terms of imprisonment for repeated offences which have been proof against one or two. If keeping an habitual ruffian in a cell at public expense for half a dozen periods of his life has failed of any curative effect, I would not punish myself by similarly paying for his keep for half a dozen periods more, and for his family all the while in a workhouse. I should prefer trying, in lieu of the failing treatment, a different treatment altogether. Nor have I this Association's faith in the vicarious conscience and inquisition-mask of police surveillance, nor in photographic identification of rogues who have, at least, cunning enough to give a twitch to their mouths at the moment of photography, greatly diminishing the value of the criminal portrait gallery. Graduated punishment on good behaviour has many dubious elements of value. Good behaviour in prison is to the same out of doors, much as resolutions on a sick bed are to performances in restored health. It is the peculiar faculty of the biggest hypocrites. Sentences reducible by favourable impression on the governor increase the gambling chances about punishment, and discount its terrors greatly beyond any possible mitigation resulting. The Association agree with my commendation of shorter and sharper punishments generally, and in a desire for greater facilities being carefully given for authorised visitation of prisoners, mitigating the inevitable evils, and utilising the unnatural solitude, of prison life. The control of all our prisons having now passed into the hands of the central Government, this latter provision becomes doubly needful.

We have two Royal Commissions now sitting on prison discipline and penal servitude. Let us hope the experience of 'Five Years Penal Servitude' will tell on their philosophy, concluding as it does with something like Solomon's verdict in favour of a short and painful cure.

I should refer briefly to recent enactments on this subject, of which the chief is the Prison Act of last year, which the Home Secretary avowedly introduced as emanating from a deputation to him from this Association. It was the necessary outcome of the Prison Act of 1865, which had for its chief object uniformity of treatment. This Act had for its object abolishing small prisons, adapting and rendering profitable prison labour, a partial transfer of charge to the national treasury, and the appointment of prison commissioners, unfortunately much curtailing the useful services of local visiting justices. Uniformity and amendment

Digitized by Google

of discipline were the main objects of both Acts; the check on local interest and management has been the chief drawback. Certainly when I recall the evidence I had a share in collecting, on the variety of prison treatment we had fallen into, I must fully acknowledge the necessity there was for reform. Criminals speculated on the localities of their crimes, and 'hard labour' meant anything according to the county, from inventions of mental suffering down to the Reading version of doing nothing at all. No two magistrates could agree on the question whether labour in prison should contribute to the cost of imprisonment, or should not interfere with the outside labour market, from which, however, the prisoner's own industry had been withdrawn. This question Mr. Cross has wisely decided; and we may hope, for an instance, that mountains of the finest stone, quarried by convicts in Portland, may no longer be left in useless store, in consideration of private quarry owners in the island. But these improvements will be dearly bought if they entail a new brigade in addition to the army of Government inspectors we have already, and if prison commissions are allowed to suppress local vigilance, or diminish the interest taken in volunteer visitation. If for instance, the Justices may no longer manage Discharged Prisoners' Aids, which have done more to check the recurrence of crime and the growth of habitual criminals than anything else, and have economised expenditure to tenfold the amount of the trifling cost incurred. The commissioners would destroy the use of these aids by delay, and after all can be no judges of the relative claims of each case if referred to them. I have no more agreeable recollection of parliamentary life than my share in the establishment of Discharged Prisoners' Aid Societies and Reformatories, two potent agencies in reducing crime, staunching both the spring and the relapse.

Of Reformatories I have a word to say. The Legislature has not yet fully accepted their idea. They sprung at the outset from an acknowledged mistake in treating a criminal child as an adult. It was, therefore, proposed to give a child appropriate punishment, and then to provide him with the schooling, the neglect of which had caused his crime. But a child convict is still first corrupted as a prison bird, and then committed penally to a prison school, with the taint of criminality on his own conscience, and on his career for the whole of his childhood; as if to defeat the very object of getting him out of criminal associations, and so to keep him from the earliest opportunity, and from any offer, and beyond the proper age, of going out to industrial employment. This mistaken treatment

Digitized by Google

often ends in charity doing more for these boys on their discharge than honest boys get done for them. Several of my reformatory boys are land and sheep owners in the colonies.

Education.—While on the subject of Reformatories we find ourselves really passed on to our next department of discussion, Education; and, according to theory, the most important part of it nationally, because the most dependent on public aid.

The whole subject, in its national treatment, has got somewhat confused in England, owing to what we call 'national education,' or what is aided by public money, having grown out of a voluntary undertaking of private charity to give elementary schooling to the children of the poorer and most neglected classes. This private undertaking, becoming unequal to its growing task, was gradually supplemented by public means; and, as always happens in a similar transition, the work took not only much wider dimensions, but more ambitious aims; and now, while still theoretically providing elementary schools for poor children, we are half-way, with no distinct theory in view, on a national system like that of the United States, providing general education fit for all classes up to the age of fifteen, and in Science and Art beyond that age.

It is high time we should come to a clear decision which idea we intend to follow out. We are doing too much in one idea, and too little, and unsuitably, in the other. Our uncertainty between two principles must, either way, give a false financial character to the system, morally injurious, as too eleemosynary for a national system, or too extravagant and ambitious as a provision for the poor.

The scheme of our republican cousins, emanating from an intelligent community of first settlers in new country, was described by Mr. Everett, when Minister here, as 'perfect, its merit being that it is a public provision for the education of all children—the schools being so good that the children of the wealthy are sent to them from choice; and there being nothing eleemosynary about them.' It may be a question whether, even if the American system is so perfect, which recent reports throw doubt upon, the same system would suit our social habits here; but at present we have no system, but a jumble of primary and secondary education in primary schools. Our so-called elementary schools, on a mixed support of voluntary, municipal, and Treasury aid, offer instruction from the alphabet to mechanics, botany, Latin, modern languages, &c., at a cost of 2*d.* a week, to children of parents many of them trades-

Digitized by Google

men, domestic servants, and skilled artisans; the remaining cost (being 80 per cent. of the whole) falling on the before-named miscellaneous aids. If we really wish for free schools for the whole nation at public cost, let us apply the principle all round: and instead of Royal Commissions advising private managers how to conduct our middle and upper schools and Universities, charge the cost of all on the Consolidated Fund. We have already nearly extinguished the self-supporting element in our primary schools, and we treat private endowments as public money. If, on the other hand, we are not prepared to adopt this sort of national principle, we ought to restrict our public aid to what we do mean, namely, elementary education for the poor, and leave secondary education to parents who can afford to pay for their own children. Mixing the two systems, the eleemosynary and national, ruins the quality of both, confuses the course and subjects of instruction, and produces ridiculous results. It appears from returns published by the Education Department, 1877, that of 1,142,612 children examined in our elementary schools, nearly half failed in reading or writing; and of 26,465 presented in the sixth or highest standard, 2,291 failed in reading, 5,681 in writing, and 11,208 in arithmetic, a large number of whom were, by the conditions of that standard, being crammed in what are called 'specified secular subjects' in the 4th Schedule to the Code, and dabbling in botany, animal physiology, &c. I cannot blame a practical people showing some distrust and want of interest in such a system, or wonder that it costs the London School Board 30,000*l.* a year to enforce compulsory bye-laws, and that, at the best 80 per cent. only of the children on the roll attend, though all payment is freely remitted in every case of proved inability to pay.

We have still middle schools on private undertaking, struggling with the competition of these aided and so-called elementary schools at enormous disadvantage. Their managers cannot, like the London School Board, raise millions by loan, nor draw aid from rates and Treasury; nor can they advertise themselves by offers to reform, if not to aspirate, the English language. It is now proposed that Government should examine these private middle schools; but their managers object, and say that they prefer the test of the open market, which is now indeed perforce intelligent enough; and they think that the competition of the teaching profession is better than any Government stamp or standard stereotyped and imposed by inspectors often inferior to themselves. They would offer an independent supply to an independent demand, leaving the State to supply only what is dependent on its aid. We do

Digitized by Google

not want the complex and costly machinery of a Government department, where public opinion and private endeavour will do the work as well. We are nevertheless bringing the higher public schools and Universities under official regimen, using, not indeed public money, but their funds in that view at discretion. It may be doubted whether in these days we should not rather look to the learned bodies to raise the educational standard of Parliament than, *vice versâ*, to trust their reform to the Parliament of the present franchise, and to schemes of their devising. The Universities have of their own accord opened their arms widely to all classes and localities. I can state as a trustee and governor of Rugby School that a liberal hand is also offered from the school endowments to all who can avail themselves of the offer. The original foundation having risen too high, we have made a commercial school below on our Founder's first intention, free to the middle class, and freely offering openings to their cleverer sons to rise to the higher school.

If, instead of raising up Government competition with private institutions, we decide to restrict public aid to elementary education of the poor—its original and still theoretical intention—the apparatus for such national education need not be so pretentious, nor offer such contrast as our present jumble does between pretension and performance. It would be a new idea in England to vote as Belgium has just voted 20,000,000 francs for middle-class schools in every province.

The child of a manual labourer must leave school early in life for his apprenticeship, which after all is his, as well as others', main education. Short as his period of schooling must be, it is enough for the rudiments and for the early training which he wants. Education is not by books alone—perhaps least of all. In all ranks school is the preparation for the work of life. What makes the educated man is the work itself—training the *character* which is all that will remain of education in the end. To my astonishment the Bishop of Manchester was lately reported to have said that he differed from Mr. Forster as to the desirability of elementary education of the working class terminating at an early age. Twenty-one, he thought, was not too late an age to start in business if parents could afford it. He added—apparently unaware of the contradiction—that quality, not quantity, was the object. He was in favour of political economy being taught, as recent strikes showed the need. What sort of workmen would turn out from youths kept at school to twenty-one, with their noses held down to treatises on political economy?

Digitized by Google

Scotland is cried up for its popular education, and certainly its early provision for every parish does Scotland great honour. But it has not chiefly benefited the poor. The tendency of all endowments is to aspire above their first intention; and Lord Young pointed out, at our last meeting, that the chief good derived from the old Heritor's Tax had been the creation of a public opinion that all children should go to school; so that every Scotch parent sends his children to school as a matter of course, and would expect the blame and sneers of his neighbours if he did not do so. The charitable origin of English public education for the poor has, unfortunately, degraded its idea, and now embarrasses its extension. Lord Young advised his countrymen to take great care to perfect the Scotch elementary education, which was open to all; but to avoid flying off to higher studies for the labouring classes, to which they cannot generally rise, if rise it would be to reach a smattering of knowledge. A ploughboy skilled, diligent, honest, and well trained to his employment, is as well educated for his part in life as a prince, and better educated than a prince less skilled and fitted for his higher station.

Whatever we do, we should never forget that the most destitute and neglected were the first objects of educational aid, and must always be the most important care of the State. Pauper and Industrial Schools and Reformatories present the most imperative demand on our attention, not only morally but for our own interest and safety; and yet about no class of schools have we made such blunders—as, for instance, in schooling pauper children in workhouses to grow up in association with paupers. Schools are now established in some places away from workhouses for such children, expressly to remove them from the influence of pauperism; but to place them in National Schools, not as a separate class at all, would be better.

The greatest work of national education practically effected in this country after all, of late years, has been, not of children, but of the adult middle classes, by entrusting them with the administration of Boards of Guardians, and now of School Boards, in which they will do more to elevate and educate themselves than the utmost they can do in their offices to care for and educate others. Sir Charles Reed describes in his report what is even more important, the vivid personal interest which many of the humblest class of electors take in the work of the School Board.

The Acts on the subject of Education lately passed are Mr. Forster's in 1870, bringing local rates in aid of voluntary efforts, besides the former aid by Treasury grants; and Lord

Digitized by Google

Sandon's Act of 1876, for gradual and easy compulsion of attendance at school, and imposing the limit of ten years of age, before which no child may be put to work, nor after without a certificate of a certain standard of education.

Our programme specially proposes, for discussion in the Education Department, the expediency of increasing the number of Universities in England. There are at this moment Royal Commissions of Inquiry in relation to the Universities of Oxford and Cambridge; and three large towns, Nottingham, Sheffield and Hull have asked those Universities to refer to that Commission a proposal, in lieu of the increase of universities, that they should each establish within themselves colleges for higher education to be affiliated to those Universities. They deprecate a multiplication of universities empowered to grant degrees. They think that the concentration of these headquarters of learning keeps up its standard, and that dispersion would lower it. There are already five in England and Wales: Oxford, Cambridge, Durham, Lampeter, London—the last only an examining, not a teaching body. They want these Universities to have the power to shorten the residence of candidates for a degree to one year, in favour of students who had passed satisfactorily through a defined course of study in one of the affiliated Colleges; thereby establishing good relations between the old Universities and the modern towns of busy commerce, and giving to an increased number of residents the benefit of a course of study, and of graduation. They want the Universities also to grant an inferior degree without any residence at all. Courses of lectures and classes have already sprung up in these towns in connection with the University Extension Scheme, which in that connection have grown into a system of study by young men of the professional and business classes, in Physical Science, History, and Literature, qualifying them in three years for a Vice-Chancellor's certificate. In some towns there are societies with buildings ready for the purpose so proposed—others have the intention to build if the offer is made. It would certainly be a great good to get not only clergymen and barristers, as now, but all classes of professional men, solicitors, surgeons, engineers, architects, future heads of business firms, within the higher influences of university education; that there may be fewer of those who are getting great political power, talking and acting from cramped and narrow views and class prejudices. We want to mellow the materialistic life of England with sentiments too much wanting amongst pursuits of business.

What deters many men of business now from sending sons to the Universities is an impression that they would become

Digitized by Google

unfitted there to fulfil the duties of their future stations; and that the length of residence required away from their belongings would be injurious to young men whose destinations are such that an early apprenticeship to them is essential to after success, or whom they cannot afford to keep entirely uncontributory to their own support till the age of twenty-one. What the Universities have already done will much tend to remove these objections and popularise their influence. Their local examinations and lectures in towns have won acceptance for practical utility, and show how much can be done locally without residence at the Universities, or preparatory to it. It will be an interesting discussion as to what their next great step should be. Some may think that the one year's residence would too little leaven the hard material of business, and others may say that a three years' residence might over-æstheticise it. In the general interests of the country the classes under each condition of life—intellectual and commercial—would mutually benefit by educational co-operation in furnishing the State with a good admixture of practical thinkers and thoughtful men of business.

Health.—I now will pass from the educational conflict with internal causes to the sanitary fight with external causes of social corruption and disease. 'Sanitation' is certainly a new term for a science of late promotion. Our commonest maxims about health are taking to scientific phraseology. We have long said that 'cleanliness is next to godliness;' but we must now say that 'purity of skin is a factor in sanitation.' I have no cause to depreciate the exalted study, for the report of the Royal Sanitary Commission, over which I presided during 1869 and 1870, has been the quarry from which all subsequent legislation on the subject has been taken. The amalgamated Department of Health and Poor Law, as of *ordinary* and *eleemosynary* administration, has assumed the attractive name of Local Government. The constitution of urban and rural sanitary authorities followed. The Act of 1871 consolidated offices before confused. Definite powers were given them to deal with the supply and pollution of water, overcrowding or unhealthiness of dwellings, offensive trades, and epidemic diseases, by the subsequent Acts of 1872, 1874, and 1875. In 1871 I brought in a Bill for consolidating all the twenty or thirty Sanitary Acts then in the Statute Book; and I had a digest made of them, which, with an elaborate index, has been almost as useful as consolidation. On the whole, in review of what has been done, I think a great step has been taken from former negligence, I hope not swerving toward too much

Digitized by Google

officialism. No doubt there is that danger, and for an instance of its occurrence already I think the appointment of permanent medical officers over the whole kingdom has duplicated much of the work which might be sufficiently and even better done by good Nuisance Inspectors, and has thrown into a perfunctory routine the special assistance which on emergencies would be much better obtained from the best professional advice to be got as the occasion required. But much is still wanted to complete the sanitary reform begun. Areas have to be adjusted, county action provided for and, above all, consolidation and arrangement of the law. The powers of local authorities on various subjects want clearer definition, and in some respects widening. In Birmingham the want of clearness in the law has allowed too wide an exercise of powers given against overcrowded and unhealthy dwellings, so as to embrace grand schemes of town embellishment, involving great town taxation and debt, and town speculation in the property taken in hand for sanitary improvement only. In defence against nuisances, on the other hand, local powers want widening. I am specially interested in guarding from pollution the supply of water. My solitary defence of a whole valley from what Birmingham thought to be its natural use as a wash-pot for the town, has given the precedent for the rural *tuum* against the urban *meum* in this respect. The towns have learnt and taught a great lesson in the struggle—that there is no such thing as refuse to be cast out upon a neighbour or anywhere; but that a real valuable use may be found for everything, if people will take the trouble, or can be forced, to find it out. No more important record could be published than that of things which have been treated as refuse and discovered to be capable of profitable application. Rivers have been poisoned with chemicals which the poisoners were at the same time buying at a large price in another shape, and citizens ruined in law-suits trying to get rid of materials which, applied to adjoining land, have for the first time shown what a lavish return the earth will give in return for an enlightened application.

The sole remaining problem in arriving at a lucrative application of sewage to land—the only proper application—in the difficult case of large towns, is how to separate storm water from the sewers, admitting only enough of ordinary rainfall to flush them. This remaining problem solved, and even the sewage of London may fertilise the hungry neighbourhood without mischievously making sandbanks in the Thames, or

Digitized by Google

adding the poisoned to the black list of the drowned in its polluted waters.

Our chief business in the Department of Health is to enlighten a blind self-interest how its own advancement may take part in the common good, and certainly the first sanitary social duty is to keep the common property of air and water pure.

Trade.—On the topic of Economy and Trade, perhaps the value of Trades Unions, with their *ultima ratio* of strikes, has been lately the most prominent subject of discussion.

One of the congresses, which now meet on every subject, met on this at Bristol in August. It struck many as a curious coincidence that the proposal to hold a similar meeting in *soi-disant* republican France had just been forbidden, and that the *veto* was very quietly taken. No doubt it was an illustration of the superior freedom of the working, as of all other, classes under English constitutional monarchy, and of our paramount free-trade in talk. Trades unions are the workmen's equipoise to masters' meetings. If they were guided by the same intelligence and order, they are not only justified in equity, but they have in themselves much useful influence in the way of independence, self-reliance, and the principle of present sacrifice for distant contingencies. But the pitching of hostile camps of masters and men against each other must unfortunately be suggestive rather of force than of contract, and of extraneous agitation than of mutual conference. If arbitration could be made a condition of service in every engagement, and dispute *ipso facto* referable to an appointed umpire on established principle, such as a fixed relation of wages to profit, the union of those interested on each side of the contract would furnish spokesmen for practical business instead of combatants for mutual onslaught. The shallow philosophy of the Bristol Congress cries for better counsels instead of vapouring agitation. No one can sail down the Thames now without witnessing, in successive placards 'to let,' the share which misguided strikes have had in the depression and expulsion of trade. The Trade Congress allows that over-production has mainly brought about the present depression; whereupon their prophets advise them to abstain from producing, not seeing that producers of one thing are consumers of a hundred other things. Their remedy for an excessive supply is to starve the demand, and reduce the purchasing capital which might give power to consume accumulated stocks and to order more.

The Associated Chambers of Commerce refused a motion

Digitized by Google

for examination of the causes of depression of trade, or to call on the Jupiter of Government; so clearly did they see where to look about for themselves. The fact is, that other countries have learnt in many ways to supply themselves, and even to trade, with some things, of which we had a monopoly before. But the expansion of the world's wealth and commerce will still find scope enough for England's enterprise, not only in the connection and extension of its present custom, but in new fields, which we shall not cease exploring till the spirit of the nation confesses itself dying. This depression of trade is temporary, and the like must from time to time recur as trade overdoes itself in one line till it finds another. Why is the United States trade at the same time even worse than ours? Why are Italy, France, and Germany crying out for protection? Have Indian and Chinese famines nothing to do with our depression, or foreign disturbances and chance of war no chilling influences of uncertainty on trade? I see little help for reviving trade in the recommendation from Sheffield of less personal extravagance. Our national habits of life, no doubt, raise the cost of production; workmen will have high wages; but the extravagance of our capitalists does not diminish, but only transfers their profits to more productive hands. Useless also is the advice to masters, when trade revives, not to extend new works. Every new invention will always start new works to ruin the old. It is a rough game of ruthless competition, and must have periodical ups and downs; but it is the British spirit of commerce, which 'never says die,' that I look to, and not to a new-fangled Minister of Commerce as some of my countrymen propose, who must have seen too much of Paris lately. I have been English Minister of Commerce the last five years, and, whatever my own power of service, I had some of the ablest of our eminently able permanent service with me, and I am sure the great trading interests of this self-acting country, so far from benefiting, or adding more to the progress of the nation, by a Government officer practically assuming partnership, they would find from the proposed new Ministry only vigilance and invention languishing, and innate spirit dying out. Government may bring public attention and opinion to bear usefully on the conduct of private enterprise, may punish any recklessness of public safety, and enforce, or even assist the use of, recognised improvements; but if it assumes a choice and warranty of machinery, and a relief of private enterprise of all responsibility by its impotent advice and meddling prescriptions, the Ministry of Commerce will soon be its undertaker in the most funereal sense of the word.

Digitized by Google

We are getting much more French in our ideas, looking to Government for everything. It is remarkable how much the popular House of Commons runs for its help in legislation to the central power. In every Department we are getting inspected, aided, and counselled by the Minister of the Interior. Even the medical profession—the Thermopylæ of freedom—is sought to be brought under State reform, and the Register of Diplomas, which some years ago Parliament was content to make inform the public where each practitioner had got his degree that they might judge for themselves, was proposed last session to be made a standard of adequate medical knowledge on State authority.

Art.—In conclusion, I will say one word only on the new department of our discussions, that of Art. Its introduction has rightly asserted the essential association of beauty with convenience and utility, and the refining influence of its study on the commercial spirit. Surely it is the ignorance resulting from its long-neglected study that has allowed the notion to spring up that beauty is something separate from fitness, something to be added as ornament, and not consisting, as it does, in cultivated adaptation. Has not this error led our architects and manufacturers to borrow incongruous features from other conceptions, or, at best, to seek beauty for their own works abstractedly from their use and purpose? There is essential beauty, no doubt, in form, and essential ugliness too. It is not for me to conjecture why swans contrast with geese. They certainly express each their own idea, whatever may be the purpose of forms expressing ugliness. But talking of art as to its application in social science, one is simply considering its value in adding beauty to utility, and that addition must chiefly consist in the expression of fitness and truth. Too many even think for beauty's sake to make things look like something different from what they are; an engine-house like a church, a smoke-shaft like a campanile, a pair of tongs like a Gothic arch, and, in this idea, to conceal features which properly belong to the design, as instead of making chimneys honestly and gracefully fulfil their part, twisting them into buttresses. It is thought a beauty to make china look like gold or bronze, and house decorations as various counterfeits and imitations, such as wall-paper as embossed leather. This is jugglery, not art—or certainly not art giving beauty to utility. To make a building commend itself to the eye as admirably suited to its purpose, to depend for beauty on proportion, to dare to leave large breadth of space unornamented in reliance on its fitness speaking for

Digitized by Google

itself, to eschew unmeaning features, sham windows, and superfluous detail, to imitate Nature in truth and in appropriate effect, to embellish forms without a masquerade of colours as a savage tattooing his skin, such are true aims for Art, taking beauty as its ingredient, and not as an adjunct. We go beyond asserting that a general diffusion of a sound artistic spirit would be a social good, to consider in what that soundness must consist. We shall overhaul our street architects for making chimneys that won't draw, and so inartistically as to entail on all our streets the horror of sky-lines of zinc piping; or for the carelessness which gives us crumbling walls, or the cheat of windows looking colossal outside and cut in half for use within, or the inadaptation of reception-rooms that require temporary verandahs to be added whenever they receive—all losing more and more of beauty as they sacrifice its essence to its false idolatry. Beauty will follow the designs of those who work in its full spirit, who seek neither beauty apart from utility, nor, on the other hand, utility apart from beauty. About this latter error let me quote the noble words of Mr. Gladstone, the expression of one of the finest, and richest, if too impulsive, spirits in this country:—'Beauty is not an accident of things; it pertains to their essence. Reject the false philosophy, which asks what does it matter, provided a thing be useful, whether it be beautiful or not? Nothing is more striking than the profuseness with which the Almighty has shed over His works an endless and boundless beauty. To this the mind of man still answers from within. Man's nature craves for some sign of what is beautiful. This makes the Spitalfields weaver, in the murky districts of London, train canaries and bullfinches to sing to him at his work. This fills the windows of the poorest with flowers. This, in a loftier region, taught the early Masters of the Fine Arts to present the objects of our faith in the noblest forms of beauty their minds could conceive.'

Digitized by Google

Address

ON

JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

BY

A. E. MILLER, LL.D., Q.C.,

ONE OF THE RAILWAY COMMISSIONERS.

WHEN I originally accepted the offer made me by the kindness of the Council of this Association, and undertook the office of President of this Department for the ensuing year, I purposed calling your attention in some detail to the principles upon which, as it seems to me, the work of law reform should be conducted, and the machinery by which it should be carried out. I have, however, found myself compelled completely to alter my design; partly because the scheme, as it were, broke down under its own weight—the time at my disposal turned out lamentably insufficient for the purpose;—but even more because I found that the ground had been in great part already covered better than I could hope to do it, and notably by my immediate predecessor in this chair.

Under these circumstances I thought that I could not occupy your time more usefully than by endeavouring to call attention as briefly as I can to a few of the questions which seem to me at present to call most urgently for reform; bearing in mind the essential character of this Association, which is a body of practical men, met together not for purposes of speculative investigation, interesting as they are, but with the eminently practical object of aiding in the improvement of the laws under which we live. On one question indeed I shall be

Digitized by Google

obliged to tax your patience at some length, not only because I consider it the most crying evil still unredressed in this country, but because I think the present time, when public attention has been so lately called to a flagrant instance of the abuse, a fitting one for making an exertion to procure its removal.

It will doubtless be expected that, at the outset of this address, I should make some allusion to the question of Codification, which not only has for many years occupied a considerable share of public attention, but also has been specially commended in our programme to the consideration of this Congress.

As regards the particular Bill referred to in the programme I desire to say nothing; the very able and ample discussion which it has undergone already at your hands may well excuse me from intruding it further on your attention; but on the general question of codification I must ask you to bear with me for a few moments, though I am conscious that what I have to say will be anything but palatable to many of my audience.

I am convinced that the time has not yet come for anything like a successful attempt at a general codification of the Law; nay more, I doubt if it can ever come; nay more still, I have grave doubts whether if it had come, the end would be a desirable one. For it is to be observed that the advantages of codification, great as they undoubtedly are, are by no means unmixed. It must not be overlooked that what we gain in precision we lose in elasticity. The Common Law may be compared to a glacier, descending by imperceptible gradations from the heights of antiquity to the valley of futurity, and from moment to moment accommodating itself, by infinitesimal but incessant fluctuations, to the conformation of the glen through which it moves. Codify it, and you as it were petrify the mass in mid course, and effectually arrest its advance; perpetuating, so to speak, one of its momentary configurations, not to be altered henceforth except by the comparatively clumsy and intermittent action of the chisel and hammer, in the shape of direct legislation. It is noteworthy that the judges of the Court of Chancery have always refused to commit themselves to any definition of fraud, lest the ingenuity of mankind might hereafter devise some scheme which would be within the principle but clear of the words of their formula.

Let me not be misunderstood. I have no greater love than anyone else for the present chaotic condition of the Law; no one would hail with greater pleasure than myself an authoritative Digest, which would replace by some twenty or thirty well-

Digitized by Google

arranged volumes the 2,000 odd volumes of statutes and reports, which every competent lawyer is supposed, if not to know by heart, at any rate to be able to find his way readily about in. The man who will undertake and carry out that will do a great work. But we are yet many steps from the beginning of that work, and when it is completed we shall even then not have progressed beyond the very threshold of a Code.

A Code, let me remind you, if it is to fulfil its office efficiently, must be a complete systematic enunciation of the law; so complete that no principle or proposition of law can exist for any practical purpose which is not to be found in it; so systematic that everything that is there can be found with little more trouble than is involved in looking out a word in a good dictionary. Every question of law would thus be reduced to one of construction merely, and the best grammarian would, for all practical purposes, become the most competent judge. Now, without entering into any question as to the desirability of such a result, it is clear that, as a preliminary to its attainment, we must ascertain with precision the whole of the Law which we desire to enunciate, down to its minutest details, and must have an adequate idea of the mutual relations of its several parts. How are you to do this until you have first got hold of the existing Law in some manageable shape, and then determined precisely the mould in which you desire to recast it? Now this preliminary involves the preparation of a digest. I know that it has been gravely urged that the processes of digestion and codification can proceed simultaneously, that the codifier, that is to say, can make his own digest and use it up in his code as he goes along; and I will not deny that, on a small scale, and with reference to a limited subject, this may be practicable, but I am certain that, if you intend to do the thing so as to be of real permanent service, you must be satisfied to do one thing at a time, and gradually build up your system by progressive stages, of which even a digest is far from being the first. *Festina lente.*

It is now just twenty-two years ago—just the whole lifetime of this Association—since my attention was called to this subject by my being appointed one of the draftsmen employed by the then existing Statute Law Commission to prepare one of the Bills needed for the then contemplated consolidation of our Statute Law. I pointed out then, in the note which each draftsman was required to append to his draft, that the work could not be thoroughly and satisfactorily done until the actual state of the Statute Law had been accurately ascertained; and that for

Digitized by Google

that purpose a carefully revised edition of the entire Statute Book, excluding all that had been repealed or amended or had become obsolete, was an essential preliminary. The idea was too prosaic for acceptation by the Commission, and accordingly they went on accumulating draft Consolidation Bills, which have ever since slumbered peacefully in some Government pigeon-holes or other, if, indeed, they have not long ago found their way to the butterman or the trunk-maker. At any rate, none of them, except Mr. Greaves' Criminal Law Consolidation Bills, have ever been submitted to Parliament. Some ten years ago, however, the plan of a revised edition was taken up by the present Lord Chancellor (certainly not upon any suggestion of mine, I can claim no part in it whatever), and within the last few months we have seen it brought to a completion by the publication of the fifteen volumes which contain all the existing Statute Law down to the year 1868, and for the first time render a systematic digest of that Law reasonably practicable. That edition is the fruit of the continuous labours of the Statute Law Committee for 10 years: how long do you suppose it would take to prepare and edit, by authority, a similar edition of the reports? Certainly, not a shorter time: and yet, till that has been done, it would be hopeless to look for even a reasonably good digest, that is to say, a text-book which might be used as authority, and as containing *all* the authorities, on any branch of our Law; not to speak of a code, which, as I have said before, is intended to supersede the unwritten as well as the written Law.

These preliminary steps, however, require nothing but time, care, and patience to carry them into effect. The same agency which has authoritatively edited the Statutes could, if so minded, issue an equally authoritative digest, though that, if confined to the Statute Law, would be of but little advantage; but similar agency could, no doubt, with the concurrence of the Judges, which we have no reason to suppose would be withheld, prepare—first, a complete edition of all that is still valuable in the reports; and then, such a digest as well of the positive law contained in the statute book as of the common law so far as it has hitherto been formulated by judicial expression, as would bring before us in a manageable shape all that at present constitutes our Corpus Juris: it is when you propose to give to your digest—whether further developed into a code or not—that legislative sanction without which it must at best remain merely a higher sort of text-book, that your great difficulty will have to be encountered: and with our present system of legislation, and unless you can find a House of Com-

Digitized by Google

mons ready and willing to take your law on trust and accept your measure as a whole—to do which you must return to the days of Henry VIII.—I do not see how such a measure as would be needed can ever be expected to become law.

The difficulty here referred to is not, however, by any means peculiar to this question, but one which, as it seems to me, more than any other retards all progress in law-reform, and is due to the very defective machinery which we employ for the manufacture of new laws and the amendment of old ones; and the most important, if not the most pressing, of all reforms, is a reform in the machinery of legislation. How can the framers of a bill of any importance be expected to produce a consistent and intelligible document when, no matter with what careful accuracy it may have been originally contrived, no matter what pains may have been taken to preserve its homogeneity with the rest of the law bearing upon the subject, it is impossible even to guess at the form in which it may eventually become law. An amendment introduced *alio intuitu* may, perhaps in mere ignorance, destroy an important connection; may—not unfrequently does—by the use of some term in a sense different from that in which it is used elsewhere, introduce an element of ambiguity into the whole Act; may even, as the result of some compromise upon a question of detail, introduce unforeseen complications which go far to render the whole measure unworkable. And all this because, not content with deciding every question in difference—which is clearly within their competence—the House at large insists on settling, if necessary by division, the precise form of words in which their decision is to be enunciated, an office for which they are eminently unfit. Hence result delays and difficulties in the progress of every measure of importance, which have become proverbial; hence the necessity of extensive, sometimes oppressive, litigation to determine the construction of every new statute; hence, worse than all, the perpetually recurring necessity of fresh Acts for the amendment and reamendment of old ones; till, instead of a single systematic and intelligible statement of the law, you are overwhelmed by a congeries of conflicting decisions and enactments, scattered at random through a wilderness of volumes; and after the expenditure of infinite labour, the last state of the Law on the subject is worse than the first.

The remedy is simple, and is not now propounded for the first time; I can lay no claim whatever to originality in the suggestion I am about to make, but I have all the more confidence in its soundness.

Digitized by Google

Without a standing Committee, which should be responsible for the language—but the language only—of all Acts of Parliament, and which should be supreme upon all questions of verbiage, it is hopeless to expect our legislation to be either intelligible or consistent.

Such a Committee ought not to be numerous, certainly not more than five in number: and should be given such a position as to rank and salary as would secure the acceptance of the office, which ought to be a permanent one, by the most experienced parliamentary draftsmen of the day. To this Committee every Bill should be referred as soon as it has been read a second time; and it should be their duty to point out all inconsistencies of language, either with the Bill itself or with any part of the prior law not proposed to be repealed, and to make suggestions for their removal. After the Bill has passed through committee of the House it should be again referred to this Committee, who should now be bound to introduce all the amendments made by the House in appropriate language, so as to give effect to the intention of Parliament in the best possible manner. It should, of course, be competent for the House to recommit the Bill and then send it back to the Committee with further instructions; and this process might be repeated indefinitely; but no alteration should be allowed upon report or on the third reading of any Bill, nor should any Bill be proposed for third reading except in the shape in which it has last left the standing Committee.

I know that it will be said that the process here described is too cumbrous to work, and that the waste of time involved in the passage of the Bill back and forward between the House and the standing Committee would be prohibitory of all legislation whatever. I do not concur in this opinion: I am satisfied that on the whole more time is consumed in the verbal discussions now inevitable in the course of any measure of importance through committee of the whole House than would under the plan suggested be ordinarily required for the whole passage of the Act; because all questions of verbiage being removed from the cognisance of the House and reserved for the standing Committee, the former body would be occupied with questions of substance only, with a saving both in time and labour, which only those who have carefully followed the progress of a hotly contested Bill can fully appreciate.

And even if this hope were deceived, if it should turn out, contrary to all reasonable expectation, that under the new system we succeeded in passing somewhat fewer Acts of importance than are passed now, the improvement in the quality of

Digitized by Google

legislation would be cheaply purchased even by a considerable diminution in the quantity thereof; to say nothing of the enormous waste both of time and money in the shape of litigation, from which we might fairly hope to be delivered.

Among the most disastrous of the consequences of this very defective system of legislation are the impediments thereby thrown in the way of the assimilation of the laws of the different parts of the kingdom. No one will, I presume, contend that it is otherwise than desirable that the entire of this nation should, so far as practicable, be governed by the same laws: I do not mean, of course, to challenge the desirability of what is known as Local and Personal legislation, nor do I deny that occasional differences of circumstance exist which require a corresponding difference of treatment, but I think that it will be accepted almost as an axiom that the general law affecting the whole kingdom should be, as far as possible, identical.

As regards Scotland there are, I admit, considerable difficulties in the way, because the law of Scotland proceeds upon a basis essentially different from that of England, though even these are not, I think, nearly so formidable as they are commonly considered. But in the case of Ireland this difficulty does not exist, the basis of the law there and here is precisely the same, and with a rational system of legislation there would be no difficulty either in bringing the laws of both islands into substantial harmony, or in preserving that harmony when created. Instead of this, under our present system of legislation, the laws of Ireland and England are widely more different now than they were at the date of the Union: instead of legislation for the two parts of the country being, as it ought to be, always simultaneous and ordinarily identical, the practice of separate legislation, even when no diversity is intended, has become almost inveterate.

There is, it is to be observed, no question as to the desirability of identity of legislation for the two countries in matters common to both—thereon opinion is unanimous—but when the time for legislation arrives this opinion is not acted on. Separate legislation ensues. Then, years afterwards, under the pressure of necessity, a spasmodic effort is made, and the differences, which ought never to have arisen, are more or less imperfectly removed. But there is no recognition of the fact that the unity which it was desirable to attain had been attained, and therefore should not again be lost—there is no guarantee afforded that once assimilated the laws shall remain similar—and so every now and then the vicious circle is once more entered on. I can find no argument in favour of such a

Digitized by Google

state of things. No good end can be attained, no object realized, by needlessly perpetuating old differences, still less by needlessly creating new ones. Separate legislation increases the labours and unnecessarily occupies the time of Parliament. It precludes English members from taking due interest in Irish affairs; it keeps alive a false impression of the existence of separate interests; and what is to be above all things noticed is that it can lead to no definite end.

I cannot more forcibly illustrate the working of the present system of separate legislation than by reference to the great attempt at Codification already mentioned. It is a Bill of unusual magnitude. It repeals the whole of the present statute law on the subject of indictable offences, and attempts, or at any rate professes, to substitute a code in the place of the present law, both statute and common law, in regard to the subject. It deals with offences against public order, internal and external; with acts injurious to the public generally; with offences against the person, the conjugal and parental rights, and the reputation of individuals. It introduces new principles of law in some of these matters. The measure, however, is confined to England. Ireland is excluded from its operation; and so, if it should be passed, the laws of England and Ireland in all these numerous subjects—laws which, after years of labour and numerous Acts of Parliament, are now almost, if not quite, identical—will once more be dissimilar. Years hence, possibly, a similar measure will be passed for Ireland; but in the intervening years the laws will be dissimilar, and even if the experiment succeeds there will be an Irish code and an English code, which will be certain not to be identical even when not substantially different, and the golden opportunity will have been lost for enunciatiing the law in a form not exclusively English or exclusively Irish, but common to both countries.

I would, did time permit, pursue this subject at some detail, but I must confine myself to one other illustration of the matter which seems to me of capital importance. Next to the Criminal Law there is, perhaps, no subject so entirely common to the whole kingdom, or in which there is less reason for divergence of legislation, than the laws relating to the relief of the poor: and yet there is, perhaps, none in which the divergences are more striking or inconvenient. The English law is still based upon the old system of settlement enforced by removal—which has been rightly described as 'a harsh, complicated, and expensive machinery for enforcing the chargeability of districts to support their own poor.' In Scotland

Digitized by Google

this chargeability is enforced, without removal, by an action by the relieving parish against the chargeable parish to recover the cost of relief, *when both parishes are in Scotland*, but if one of them should happen to be in England or Ireland this remedy cannot be resorted to, and the only way of enforcing chargeability is by removing the pauper. In Ireland the Law of Settlement and removal is wholly unknown, and the pauper remains a charge upon the union where he happens to become destitute, there being no power of removal except in the case of paupers previously removed from Great Britain. None of the systems is a good one, but a very reasonable system might be readily compounded out of the best parts of the three, if our course of separate legislation did not practically preclude anything like combined action for the purpose.

Passing now to a brief consideration of a totally different question, I desire your attention for a few moments to that which I cannot but consider the most 'burning' question of the day,—and that notwithstanding the adverse opinion not long since expressed by the authority of a select committee,—I mean the law affecting the custody and control of lunatics. The same principles which lead us to provide, at the cost of the State, for those who are unable by reason of poverty to support themselves, lead even more irresistibly to the public guardianship of those who from mental infirmity are unable to take care of their persons or their property. But just as it is an essential characteristic of a good Poor Law to interfere with the normal condition of the pauper so far, and so far only, as is necessary to guard the administration of public alms from extravagance or abuse, so it is essential to a good Lunacy Law that its operation, both as to the persons to be affected, and as to the amount of restraint to be enforced thereby, should be as restricted as is compatible with proper care of the lunatics themselves, and due protection of others from the results of their infirmity. So long as these conditions are fulfilled the action of the law should be sedulously maintained at a minimum. Hence it follows that the two cardinal principles of a good lunacy law should be—

1. To secure that no one should be made liable to be treated as a lunatic without the most searching inquiry, conducted in public, and by a competent judicial officer; so as, as far as may be, to preclude the possibility of fraud, accident, or mistake.

2. So to provide for the control of lunatics as to interfere as little as may be with the free exercise of their natural liberty.

Digitized by Google

These principles are, indeed, so far recognised by our law as it stands, as to be, with one important exception, fairly applied to the class known as 'Chancery Lunatics'—lunatics, that is to say, who are possessed of property sufficient for their own support, and the administration of whose property is undertaken by the Crown through the agency of the Lunacy Office. As a rule, adequate care is taken in determining the status of these persons; and their property is ordinarily managed with an anxious care to provide first for their own comfort, according to their means and station in life, and then for those legally or naturally dependent upon them, or who may be considered as having such moral claims to assistance as a reasonable man in the lunatic's position would be tolerably certain to recognise.

The exception, which I merely mention at the moment, as I shall have to recur to the subject at some length, is this: that, whether from a mistaken delicacy of feeling toward the alleged lunatic himself or his friends, or from false motives of economy, the inquiry into the mental condition of an alleged lunatic may be, and, unless he has the advantage of independent legal advice, ordinarily will be, conducted in private, often even with studied secrecy. Indeed, I have heard this practice claimed as a merit in the Lunacy Office, instead of being recognised, as I think it ought to be, as a serious blot upon its procedure.

But when we come to those lunatics—by far the larger number—who either have no property, or whose cases have not been brought under the cognisance of the Masters in Lunacy, the law is not content with ignoring the principles above enunciated, it even acts in the precisely contrary direction. It assumes that the normal result of lunacy is to be incarceration; and it entrusts the conduct of the inquiry, which may have so terrible a result, not to an impartial public officer, but to the nearest relative of the victim—to the very man, that is, who may have the strongest imaginable motives for desiring to control the result. And, worse than all, it enables this inquiry to be so held as to be reduced to the merest farce. Two medical men, neither of whom need be, or ordinarily is, possessed of any special acquaintance with the subject of mental phenomena, have separate interviews with the victim, whom they may, and often do, then meet for the first time in their lives: they come, or may come, to this interview, carefully primed as to the 'delusions' to which the 'patient' is subject, and their instructor must be a bungler indeed, or the case an extraordinarily hopeless one, if sufficient

Digitized by Google

cannot be elicited from some peculiarity of temper or manner to justify, or seem to justify, the foregone conclusion desired. In accordance with this conclusion, a certificate is then signed, which suffices to warrant the forcible arrest of the victim and his removal to a house of detention (called a private asylum), from which his chances of liberation are in inverse proportion to the truth of the accusation—for such it is in effect—against him. A really insane man may have some hope of being released, and placed under rational control; but only by a combination of favourable circumstances little short of miraculous can the sane victim of avarice or malevolence hope, under present regulations, to baffle the interested vigilance with which his jailors set themselves to defy investigation.

Now, I do not hesitate to say, that under no possible circumstances can these so-called private asylums be otherwise than an evil. I do not, of course, pretend that a lunatic should in no case be subjected to personal restraint: that would be manifestly absurd; but I do say that the cases in which such restraint is otherwise than noxious are exceptional. These cases may be reduced to three classes.

1st. Dangerous lunatics: those, that is to say, who have either been guilty of some acts of violence, which in a sane man would be criminal, or have shown such a tendency to violent outbreaks as renders their unrestricted freedom a menace to themselves or others. The public safety requires that these should be kept in detention, and whatever name we give to the place where they are kept, and whatever may be its accessories, it is, as regards them, in object, and in effect, a prison.

2nd. Pauper lunatics: in which class I include not only those who are technically paupers, supported wholly at the public expense, but also all those whose means are insufficient for their maintenance, and who therefore must rely more or less for their support upon the action of charity, public or private. This case is governed by the same economical considerations as that of sane paupers (save that the element of individual option is of course excluded), and just as in that case it is found that relief can ordinarily be most properly and economically administered through the machinery of the workhouse, we are led in this case to adopt that of the public asylum.

3rd. There are a few instances of persons affected with insanity, either of a temporary nature, or so connected with some other malady—ordinarily epileptic—as to require and be benefited by systematic medical treatment, and which if not

Digitized by Google

so treated will probably become permanent or be otherwise sensibly aggravated. To meet such cases as these it may be necessary to permit medical men, who choose so to occupy themselves, to receive isolated patients, and to detain them in their houses under proper control. But under no circumstances should more than one such inmate be permitted in any house. Cases of this sort are always aggravated by contact—I would have said contagion, but that that word has a technical meaning, and would therefore be liable to be misunderstood.

In all cases not coming within some one of these classes any forcible restraint of the lunatic, even under the most favourable regulations, is always an evil, often a cruelty.

In all this, as will have been seen, there is no place for the private asylum; nor can I conceive any case in which such an institution could operate for the benefit of any lunatic. So far as these places have any legitimate function at all, they operate not for the benefit of the lunatic but of his relatives. It is, no doubt, highly convenient to be relieved of the care, perhaps also of the incumbrance, of some imbecile brother, or son, or nephew, sometimes even to conceal the fact of his existence; and it is probably not always realized at what a sacrifice to the individual this is ordinarily accomplished. The hopeless idiot, indeed, apparently devoid of all but the merest animal sensations, may suffer nothing from being removed from all family associations, so long as his food is brought to him regularly, and he is sufficiently housed and clothed; but the ordinary 'harmless lunatic,' the person subject to more or less intense aberration of intellect, is keenly alive to such surroundings, and suffers greatly more than is apparent to the mere casual observer, when deprived of them. We justly reprobate as inhuman the conduct of those who shut up their afflicted relatives in their own houses in secret chambers, and study rather to conceal their existence than to provide for their comfort; but I am unable to take any more lenient view of the conduct of those who, for their own ease or advantage, deny to these unfortunates the greatest mitigation of their misfortune which their case admits of, personal intercourse with those to whom they are attached; and condemn them to a loveless existence, with no better associates than their companions in misfortune and their common jailors. Even for the custody of the really insane, then, the private asylum serves no useful end, but it is as an engine for the incarceration of the sane, or partially insane, that it becomes a truly dangerous evil. If we rightly deprecate the forcible detention even of the harmless lunatic, as imposing upon him an unnecessary hard-

Digitized by Google

ship, what are we to say of the lot of those—not, I fear, so few in number as is ordinarily supposed—who though in fact perfectly competent to take care of themselves, find themselves deprived of their liberty upon a charge of insanity, arising not out of any act of maniacal violence; but sometimes from the presence of some harmless delusion, not materially affecting the general conduct of the victim; sometimes from some eccentricity or weakness which the timidity or suspiciousness of friends or relatives has magnified into madness; sometimes from motives of mere cupidity, to prevent the anticipated alienation or dissipation of an inheritance to which the incarcerator has, or fancies he has, some claim; not seldom, I fear, from deliberate wickedness, which takes advantage of the imperfections of the law to put out of sight as a lunatic some one whose presence is felt to be dangerous or inconvenient?

I know that I shall, on this part of the case, be referred to the various agencies provided by law for the inspection of asylums, and be assured that it is practically impossible, in the face of these safeguards, that any sane man could be long kept in detention who was even reasonably anxious to take advantage of the opportunities for his liberation afforded him by the law. Now I will not only rely upon the stories which have been told, with considerable plausibility, of steps having been taken in some of these asylums to prepare for the coming visitation, either by concealing the dangerous inmates, or by even darker and more reprehensible practices; because, so far as I have been able to learn, the authority for these statements rests on common rumour only—tradition as I may say—and I cannot find that any specific instance of any such practice has been established by credible testimony. But even without this it must be obvious that no mere official—and therefore inevitably more or less perfunctory—inspection can ever suffice for the prevention or detection of fraud, when opposed to the resources of interested unscrupulousness. And indeed the law itself seems in this respect to play into the hands of the incarcerator. So long as the asylum is looked upon as the fitting house for the harmless lunatic, nothing short of energy, determination, and sagacity, upon the part of the visitor, almost superhuman, would suffice to compete, with reasonable probability of success, with the contrivances at the disposal of those who are interested in prolonging the imprisonment. It is so easy to suggest the existence of 'delusions,' which the victim cannot confute, nay, may even, in ignorance of the suggestion, appear to confirm, and which the visitor, unacquainted with the history of the alleged lunatic, has no means of testing: or to

Digitized by Google

speak confidentially about 'lucid intervals' and 'dangerous paroxysms,' assertions which from their very nature defy investigation. We have all read, in Captain Maryatt's novel, how Peter Simple was detained as a lunatic by his uncle, the alleged delusion being that he thought his name was Simple, and that he was nephew and next heir to Lord Privilege; and how, as these 'delusions' were the exact truth, poor Peter was made the unconscious instrument of his own continued detention, till an accident, such as seldom occurs in real life, led to his being seen and recognised by a friend of too much importance to be ignored, and too much interested in his case to be easily put off. This is of course but a novelist's conceit, but it will serve as an apt illustration of what the law allows, nay, even ignorantly abets; and is for this purpose not a whit less cogent than if it were an ascertained historical event. The fact that such a thing is *possible* is as complete a condemnation of the system, *as a safeguard against fraud*, as if it were a daily occurrence.

Again, it must be borne in mind that once immured in the private asylum the victim, sane or insane, is practically cut off from all communication with the outer world. The law, indeed, is not directly to blame for this aggravation of his lot: the law requires all letters written by him to be forwarded to their respective destinations; but the all but universal practice is that all such documents are transmitted at once to the incarcerator. Except by accident, or some unusual cunning on the part of the lunatic, no information about him can be obtained by any private friend or disinterested relation which the author of his detention desires to suppress.

And it must not be forgotten that in this 'game' the incarcerator runs but little risk, the asylum-keeper none at all. For while he has all the chances in his favour which I have endeavoured to point out, he can in the last resort, if all else fail, fall back upon the duly recorded certificate of two medical men, upon which the patient was originally admitted; and this, even if insufficient to prevent the escape of the victim then, will, at all events, secure immunity for the past. And this brings me to the point which I consider the crowning blot upon our law on this subject as it stands, the one exception of any importance to the commendation which I was enabled to bestow upon the administration of the Lunacy Office, and the foundation of all or most of the other abuses to which I have adverted: I mean the power of procuring a man to be adjudged a lunatic without a public inquiry. But for this power, the unlawful detention of sane men, and the unnecessary deten-

Digitized by Google

tion of harmless lunatics, would become as rare, and as easy of detection and punishment, as any other case of false imprisonment; and this end once attained the worst evils of the system would speedily disappear.

I have already pointed out how the simple certificate of two medical men, given under conditions calculated to deprive it of all weight—unsworn, not subject to cross-examination, not giving any grounds for the opinion expressed, not showing any special fitness in the signer, and not requiring any real acquaintance on his part with the alleged lunatic—is ordinarily sufficient to warrant the imprisonment; but this will not enable the incarcerator legally to exercise any control over his victim's property. In many cases this is not required; where it is, however, certain further formalities are needed. And it must be at once admitted that if the alleged lunatic be at large at the time that proceedings are taken for an inquisition, and if he be determined to assert his right to liberty at whatever cost, the law enables him to do so with reasonable security. He may demand, and must obtain, a public investigation before a jury, and cannot be deprived of his freedom otherwise than by verdict. But he is not entitled to this as of course; no one is bound to inform him of his right; and if he does not formally make the demand within a limited time, he is liable to be found lunatic as the result of a strictly private—it would not be too much to say hole-and-corner—inquiry before a Master in Lunacy. If the 'lunatic' be at the house of a friend, the Master and his clerk, often unaccompanied by any other human being, repair thither: the lunatic is seen, or not seen, as the case may be, by the Master; some purely formal evidence is given, which as often as not is not subjected to any test whatever; and, unless the case be so glaringly absurd that the Master cannot help seeing through it by bare inspection, the desired report is made to the Lords Justices, and the man is 'found lunatic by inquisition' as a matter of course. Now suppose the victim of this proceeding to be already in a private asylum: is it likely that he will ever hear of the petition against him so as to enable him to demand a jury? or that, if he did so, his demand would be forwarded to the Lunacy Office? We may be sure that in every such case the procedure would be such as that I have just described, with the added circumstance that all the surroundings would be carefully arranged to compel, so far as might be, the Master to arrive at the desired conclusion.

I am not unaware of the arguments by which this system is defended; I have listened before now to a recital of the hard-

Digitized by Google

ships which it would entail, not only on the lunatic himself, but on his sane relatives, if all the skeletons in the family closet had to be paraded in the full glare of daylight; I do not deny that a public investigation, such as I think needed, would be necessarily expensive, and would frequently, perhaps ordinarily, arrive at the same result as the present; and I have been asked somewhat triumphantly whether it is reasonable to sacrifice the dearest feelings—perhaps the best interests—of a whole family, in order to bestow a doubtful boon on one who, in a multitude, if not the majority, of instances would be incapable of appreciating it.

But these considerations, weighty as they sound, seem to me altogether overpowered by the reverence due, and in every other instance paid, to the claims of personal liberty. If no one would think of inflicting permanent imprisonment without public trial as the result of crime, however flagrant and notorious, with what consistency can we apply to misfortune a rule which we consider too harsh for guilt?

It is true that to meet the case of violence, actual or reasonably apprehended, some power of summary arrest for temporary purposes must be entrusted to some authority capable of immediate action at any time; this is a matter of mere detail which might easily be adjusted; probably the same authority which now authorises the apprehension of an alleged criminal and his detention until trial, might safely be intrusted to perform a similar function in the case of a person alleged to be a dangerous lunatic.

The suggestions, then, which I would make as to the required reforms in the law upon this subject are the following:—

1. No inquiry into the sanity of an alleged lunatic, whether by a Master in Lunacy or otherwise, ought to be held in private: in order to authorise the detention of anyone as a lunatic, such inquiry ought to be public, to proceed exclusively upon sworn evidence, given by witnesses produced for cross-examination, and ought to be conducted by a competent judicial officer, assisted either by a jury or by sworn medical assessors at the option of the alleged lunatic, but in no case acting upon his own judgment merely. The cost of every such inquiry ought to be borne in the first instance by the person instituting the same, but he should be recouped out of the lunatic's property (if any) whenever the case was satisfactorily established.

2. No lunatic should be liable to be forcibly detained in any asylum, or otherwise, until it had been established, in

Digitized by Google

some judicial proceeding, that he was 'dangerous'—this word to have the meaning already explained—except under circumstances provided for in the next two suggestions.

3. No lunatic, not dangerous, should be received into any public asylum without a special order from a justice of the peace; which should not be given without evidence that, in the absence of such order, the lunatic was likely to be a burden on the rates.

4. Private lunatic asylums should be altogether abolished, and no person receiving lunatic patients into a private house for medical treatment should be permitted to receive more than one at a time.

It will be remarked that these suggestions deal exclusively with the custody of the lunatic's person, and in no way affect the care of his property. I do not wish to be supposed entirely to assent to the law as it stands in this respect, but the subject is not a pressing one, and rather calls for reform in administrative details than for any material alteration in principle. *Festina lente.*

Another question which calls for the immediate attention of law reformers, but upon which, for obvious reasons, I shall touch but lightly, is the law for the Regulation and Control of Railway Companies. I presume that no one will expect me to express any opinion upon the question, which will have to be determined by Parliament next session, what is the most fitting machinery for this purpose? a question which has given rise to a great deal of somewhat acrimonious controversy, and upon which I have no opinion sufficiently formed to be of any value, even if it would be becoming in me to give utterance to it. But I assume it as an axiom that *some* public control over the administration of our national highways is a public necessity, and that that control cannot be efficiently maintained by the ordinary action of the law applicable to common carriers generally, or, indeed, by any action at all which does not partake of an administrative as well as a judicial nature. What the character of the tribunal should be which is to be entrusted with this authority; what should be the extent of its powers, or the nature of its interference; how far it should be independent, and how far a part of our general judicial system; whether the constitution of the existing Commission is or is not the best adapted for the purpose; these, and all questions of this nature, I prefer to leave for others to answer. But the practical monopoly of the carrying trade of the country acquired by the railway companies (not, as in the case of coach proprietors or steamboat companies, as the legitimate

Digitized by Google

result of free competition, but by means of exceptional powers granted to them by the Legislature), renders it puerile to expect, as some of their advocates profess to do, that they can be dealt with upon the same footing as ordinary trading companies, who are entitled to carry on their business as they please, and with an eye to their own benefit only, so long as they are reasonably honest. Further, it has been proved by the inexorable logic of facts, that the action of competition between railway companies is not in ordinary cases sufficient, as it usually is in the case of other traders, to secure a due regard to the public interest; and it is therefore requisite, if the companies are to have an independent existence at all, that they should be subjected to some 'Board of Control' capable of holding an even hand between the shareholders and the public. This the directors, were they ever so willing, cannot do; nay, more, were they ever so able they ought not to do so: the first duty of a director is to his shareholders, and the interests both of the public and the companies will be best considered by a fair recognition on both sides of this fact. Surely it is not too much to hope of the good sense and moderation of those who practically control the action of this very important interest, that they will look the position fairly in the face, and instead of struggling hopelessly to maintain the untenable, will loyally assist in devising the best scheme for effecting the desired object: the one, that is, which will combine the necessary official control with the minimum of interference with the internal arrangements of the companies. Were they honestly to set themselves to attain this object, I do not doubt their ability not only to devise but to carry through Parliament a measure sufficient to afford an effective guarantee to the public without offending unduly even the susceptibilities of railway management.

Intimately connected with this subject is the question, already amongst the burning questions of the day, of the liability of public companies to their servants in respect of injuries arising out of negligence on the part of fellow-servants. This question was considered at some length at the sessional meetings of this Association in the course of the last year, in the discussion of a very valuable paper upon a Railway Insurance Scheme, similar to that prevailing in Germany, contributed by my friend Mr. Joseph Brown, and I do not think that any observations of mine here could add anything to the result of that discussion. It seemed to be the feeling of the Association then—and I, for one, entirely concur in it—that,

Digitized by Google

on the one hand, the old rule about 'common employment' is inapplicable to the case, at least in the crude form in which it has hitherto been applied to it; and that, on the other, the demand made by some of the advocates of the railway employés is extravagant and inadmissible. It is, on the one side, absurd to treat every plate-layer and pointsman as the fellow-servant of the ganger or station master, whose orders he is bound to obey—or, for that matter, of the general manager himself; but it is equally unreasonable to contend that the relation of employer and employed can be wholly disregarded in considering the action and limits of the liability in question. There does not seem to be any insuperable difficulty in devising a middle course, at once rational and sufficient, which would afford to the men protection from all risks which do not reasonably come within their contract, without imposing upon the companies a liability against which they would be powerless to protect themselves, and the amount of which would necessarily be formidable, probably ruinous. When it is recollected that the mortality from accident among railway servants in England alone exceeds 1,500 per annum, it will be perceived that we are dealing with no merely speculative grievance.

I had included in the original sketch of this address some remarks upon the present state of the Law of Bankruptcy, and the Law relating to Patents; but two considerations warn me to forbear. First, I have already occupied as much of your time as ought to be monopolised by any single speaker; and, secondly, I have no desire myself to furnish a conspicuous instance of departure from my own rule '*festina lente.*' Sufficient for the session is the work thereof. If this Association will, in the session now commencing, devote itself with its accustomed earnestness to the furtherance of those more pressing reforms to which I have endeavoured to direct your attention, it will find that they afford abundant scope for its exertions; and I gladly leave to those who may hereafter be called to fill this chair the duty and the privilege of guiding your efforts to fresh fields of action, as occasion may be afforded, or the matter require; being convinced of this, that while the fabric of English Law endures—*et esto perpetua*—it will never cease either to require, or to receive, progressive adaptation, in accordance with that great law of evolution which, whether it prevail in the world of physics or not, is the true and only test of life in human institutions; and that, therefore, the time will never come when the labours of such an Association as this will be undesirable or superfluous.

Digitized by Google

Address

ON

EDUCATION.

BY THE

HONOURABLE GEORGE C. BRODRICK,

THE progress of National Education in this country during the last thirty years, though recognised by all, is practically realised by very few even of those who, like ourselves, are specially concerned with it. No public documents, however comprehensive, would enable us to measure it, but, unhappily, no comprehensive report on National Education in all its branches is ever laid before Parliament. The Education Department, indeed, publishes annual returns which may be accepted as an authoritative and tolerably complete account of the advance made by Primary Education in England and Wales, and those for last year were carefully analysed in a paper read at Aberdeen by our Hon. Secretary, Mr. Rowland Hamilton. The facts relating to workhouse schools may be gleaned from the Reports of the Local Government Board; the Charity Commissioners, now invested with the powers of the Endowed Schools Commission, annually record the result of their proceedings; and these sources of information are occasionally supplemented by papers compiled, under the order of Parliament, at the instance of some individual member. But there is certainly no compendious statement which could be placed in the hands of a foreigner as exhibiting the actual condition and growth of English education, Primary, Secondary, and Academical, for any single year; much less are there well-digested official materials for a comparison of its condition in 1878 with its condition in 1848. Believing that such a retro-

Digitized by Google

spect may be encouraging to faint-hearted advocates of National Education, and may also serve to indicate the direction in which further reforms are needed, I will endeavour to review, within the smallest possible compass, what has been effected in the course of the last thirty years—a period covering but one human generation, and crowded with events which have too often diverted the public mind from any steadfast purpose of self-improvement. If we shall find reason to conclude that during this period National Education in England has made greater strides than during the previous century—we shall not be the more justified in shutting our eyes to its many shortcomings, or the less free to grapple with the open questions to be discussed in this department. However interesting it may be to compare the educational statistics of this country with those of continental nations or of the United States, it is far more profitable to ascertain the rate, and study the course, of educational progress at home. Comparative statistics of education in various countries are misleading, because they cannot be reduced to a common standard. The nominal proportion of scholars to population may be large, and yet the educational results may be meagre, if the average attendance be low or the average teaching inefficient. The proportion of illiterate soldiers depends in a great degree on the number of men annually enlisted and the mode of their enlistment, since recruits are most easily obtained from the lower *strata* of society. The proportion of men and women signing the marriage register with marks is a rough test of the depth to which popular education had penetrated ten or fifteen years earlier, but not of the depth to which it now penetrates. Moreover, though we have much to learn from the experience of foreign nations, we must not imagine that any system of National Education can be worked out in strict conformity with a foreign model, or otherwise than in harmony with the spirit and institutions of the people to be educated.

I. Looking, first, at the state of Primary Education in 1848, we find the Committee of Council on Education busily at work, but on a scale which contrasts strangely with the vast sphere of the present Education Department. Only nine years had elapsed since the old grant of 20,000*l.*, for schools under the control of the British and Foreign and National Societies, had been increased to 30,000*l.*, by a majority of two in a full House of Commons, and since the House of Lords had addressed the Crown against the measure, because the money was no longer to be at the sole disposal of two privileged socie-

Digitized by Google

ties, and because religious teaching, although compulsory, was thenceforth subjected to inspection. In the year 1842 the grant had been further increased to 40,000*l.*, and in 1845 to 100,000*l.*, but only a part of these sums was actually expended, and by 1848 a balance of no less than 200,000*l.* had accumulated out of previous grants. In that year, 125,000*l.* was voted for 'Public Education' in the whole of Great Britain; but it would appear from a return published in 1851, that only 60,000*l.* of this sum was expended in grants to schools in England and Wales, that four-fifths of this were allotted to Church of England schools, and that nearly five-sixths were absorbed in building, enlarging, repairing, and furnishing. Whether the plan of awarding grants upon the results of inspection, and not of individual examination, which then prevailed under the able administration of Sir James Kay Shuttleworth, did not conduce to a higher idea of teaching, is still an open question. At all events, its effects were felt within a very limited sphere, and the pupil-teacher system, by which a succession of teachers has since been maintained, was then but just founded.

It is remarkable that in the Minutes of the Committee of Council for 1848 the number of children in State-aided schools is not recorded, as if this were hardly a matter of national interest, and it is needless to add that children in other schools, or in no school at all, were then regarded as entirely beyond the cognizance of Parliament. In default of positive information, very loose and conflicting estimates of the school-attendance in this country were hazarded with equal confidence. Lord Shaftesbury must have greatly understated his case in 1843, when he calculated that somewhat more than a million children of school age were receiving no instruction whatever, but the Prince Consort must surely have overstated his case when he declared that, in 1857, 2,861,848 children, or nearly three-fifths of all those between three and fifteen, were receiving no instruction whatever. The fact is that until the inquiry conducted by the Education Commission of 1859 there was no trustworthy evidence on the subject, and that even the evidence procured by that Commission was fragmentary and inconclusive. This much, however, is certain—that in 1848 a very large proportion of English children had never been within the walls of a school at all; that a majority of those receiving some instruction were in schools for whose efficiency there was no security whatever; that, of the minority educated in inspected schools, the greater number remained but two years, or less, and never learned to read, write, and cipher properly; that none but denominational schools were

Digitized by Google

aided by the Government; that, since Government aid was only forthcoming to meet voluntary subscriptions, the most needy and neglected districts received least benefit from Education-grants; that few managers of schools were prepared to accept a Conscience Clause; that most people interested in National Education still regarded it rather as the affair of the churches than as the affair of the nation; and that not only then, but long afterwards, compulsory education was declared by responsible Ministers to be 'out of the question.'

The last Report of the Education Department exhibits in a very compact and intelligible form the accommodation now provided by elementary schools under Government inspection, the average attendance in these schools, and the results attained, so far as they can be tested by examination. It appears that in 1877 the inspected schools in England and Wales contained places for 3,653,418 scholars, or nearly 15 per cent. of the estimated population, that of these school places 1,640,739 had been added in the last six years, and that consequently the increase of the school accommodation, being at the rate of 81 per cent., has been fast outstripping the increase of school population, which has been at the rate of 8 per cent. The statistics of school attendance, though progressive, are not equally satisfactory, if compared with those of the estimated population within the school age. In 1877, there were 3,154,973 names of day scholars on the register of inspected day schools, and 2,633,198 of these were present on the day of inspection, but the average attendance (including the scholars in night schools) was only 2,208,468, having increased by about one million since 1870. Now, we learn from a separate Return of the Education Department that the estimated population between the ages of three and thirteen is not far short of 5,800,000. If we deduct one-seventh as belonging to a class above that which makes use of inspected schools, we have still nearly 5,000,000 children between those ages 'requiring' primary education in the official sense, and we must regard the estimate of 'at least four and a half millions' in the Report as an understatement of the school population which *might* be found in efficient elementary schools. On the other hand, we must remember that, besides industrial schools, workhouse schools, and reformatories, a large number of schools, 'more or less efficient,' not being annually inspected, do not fall within the direct cognizance of the department; that a large number of children, especially of infants between three and five, are disabled by sickness or other causes from attending school; that if each child goes to school on the average for only half its proper

Digitized by Google

school life, we cannot expect to find more than half the children between three and thirteen at school on any given day; that in many country districts the machinery for compelling school attendance is not even yet in operation; and that, however efficient this machinery, a very large residuum of the school population, belonging to a migratory class of labourers, will inevitably escape the vigilance of visitors. Still, it is not altogether reassuring to know that, whereas more than two millions and a half of children between seven and thirteen might reasonably be expected to earn a grant by regular attendance, only 2,054,857 were on the registers of inspected schools at all, and only 1,277,752 had qualified themselves for examination by making 250 attendances, besides about 160,000 who had made 150 attendances under 'Half-time Acts' and other special regulations. 1,335,118 scholars, in all, were examined by the Inspectors, and of these, 655,435, being over ten years of age, ought to have been presented in Standards IV., V., or VI.; but only 264,860 were so presented, while 390,575 were presented in Standards appropriate to children of seven, eight, and nine years of age. Yet considerably less than two-thirds of the whole number examined were able to pass in three subjects.

It is right that we should lay due stress on these shortcomings, and I shall have occasion to speak of them again, but it would be a great mistake to imagine that in 1848 they would have been judged with equal severity. We have, indeed, no means of instituting a fair comparison between this year and that, because the system of inspection and the basis of examination were then entirely different. But there is every reason to believe that, on the whole, efficiency of teaching has kept pace with school-building, and that so far as the old non-inspected schools have been superseded or brought under inspection, there has been a clear gain to Primary Education. It is possible that in substituting a definite but mechanical test for general impressions, and in placing the beggarly elements of reading, writing and arithmetic above the exhibition of vivacity and intelligence in class-lessons, the Revised Code of 1861 may have depressed for a while the energies of highly gifted teachers; and the children poured into Board Schools from the streets naturally proved less docile than children from respectable homes, such as were sent to voluntary schools thirty years ago. But the average proficiency in reading, writing, and ciphering of the 3,000,000 and upwards of children now known to be on the rolls of inspected schools is assuredly much above the average attainments of the much smaller number supposed, but not known, to be somewhere at

Digitized by Google

school in 1848, and—what is better—it is constantly rising. Nor must we undervalue the encouragement given to more advanced teaching under the present Education Code. Three-fourths of all the children presented last year earned grants, after examination by classes, in one or more of the so-called 'class-subjects'—that is, Grammar, History, Elementary Geography, and Plain Needlework—or of the 'specific' extra subjects defined in the Code. In July last, Sir John Lubbock, advocating the claims of elementary science to be treated as a class-subject on equal terms with Grammar, Elementary Geography, and History, is reported to have said that, according to last year's return, only 600 children passed in any subjects but these, which now form part of the ordinary school-work. Now, we find that, in fact, although only 623 passed in *three* specific subjects, 13,807 passed in *two*, and no less than 45,049 in *one*. The specific subjects include English Literature, Mathematics, three languages, four branches of Natural Science, and Domestic Economy (for girls). It may, however, gratify or console those who object to high education in Board Schools at the expense of the ratepayers, to be assured that, out of the 15,163 scholars in Board Schools examined in specific subjects, only 803 were presented in Mathematics, 67 in Latin, 438 in French, 49 in German, 20 in Mechanics, and 234 in Botany, the most favourite subject of all being English Literature, and next in order Physical Geography, Animal Physiology, and Domestic Economy.

But the Reports of the Education Department are not the only evidence of the extent to which the spread of Primary Education has leavened the population within the past thirty years. We see its direct effects in the decreasing number of persons signing the marriage register with marks, of recruits unable to read or write,[1] of illiterate voters, and of labourers who, being 'no scholars,' can undertake no duties above those which a clever savage might perform. We see its indirect effect in the ever-increasing circulation of penny newspapers and other cheap literature, in the constant multiplication of popular reading rooms, in the overwhelming number of applications for clerks' places, and—we may reasonably believe—in the steady decline of pauperism and crime. The extraordinary diminution of juvenile offenders in the Metropolis, attested by

[1] The last Triennial Report by the Director General of Military Education, dated July 1877, shows that, whereas in 1873 the percentage of soldiers who could neither read nor write was 6·01, in 1876 it was 4·95; and that, whereas in 1873 the percentage of those in the first or 'better educated' class was 32·61, in 1876 it was 44·95.

Digitized by Google

the Commissioners of Police and by the Governors of Prisons, has exactly coincided with the enforcement of school attendance by the School Board officers, and as old criminals are usually developed out of young criminals, we may fairly expect the number of convictions to be still further reduced in future. Upon the whole, then, we have reason to congratulate ourselves on the progress of Primary Education during the short period under review. We may still have 'much leeway to make up,' but we have done the work of far more than one generation in the past thirty years, and our educational position, relatively to other countries, is far less humiliating than it was in 1848, when very few Englishmen were ashamed of it.

II. The history of Secondary Education in England during the last thirty years has not been less eventful, though it has been less directly shaped by legislative action. It is not too much to say that, in 1848, the ancient Public Schools, mostly founded in the 15th and 16th centuries, were still essentially Elizabethan in their curriculum of studies, in their methods of teaching, and in the characteristic features of their internal government, no less than in their architecture and system of discipline. Of the great proprietary schools included in the Public Schools Calendar, some were then in their infancy, like Cheltenham and Marlborough; all the rest, including Wellington College, Haileybury, and Clifton, have sprung up since that date. The majority of them probably owe their origin to a spontaneous demand for a cheaper and somewhat less antiquated form of Public School Education than could then be obtained at Eton or Winchester, Rugby or Harrow. But there can be no doubt that all of them have largely profited by the discussion which preceded the appointment of the Public Schools Commission in 1861, by the Report of the Commissioners on nine of the ancient Public Schools, and by the influence of reforms subsequently carried out there in pursuance of the Public Schools Act. Very few of the Endowed Grammar Schools then reached even the low standard of the ancient Public Schools, in the range or efficiency of their instruction, and if a Grammar School won a high reputation at the Universities, it was usually by virtue of exceptional energy in its headmaster and not of any perfection in its organization. As for the whole class of genteel Commercial Academies, they were already proverbial for pretentious inefficiency, and private schools for boys of the upper and middle classes were naturally content to follow the lead of Public Schools and Grammar Schools. Considered from a purely intellectual point of view,

Digitized by Google

and relatively to its cost, the Secondary Education of England, thirty years ago, was in a still more backward state than its Primary Education, and even after the shortcomings of our Primary Education were freely acknowledged, the shortcomings of our Secondary Education were regarded by the national mind with indifference or self-complacency. Indeed, the first vigorous impetus given to Secondary Education must be dated after the Crimean War, and whatever has been done to bring it under the effective control of public opinion has been done, for the most part, within the last twenty years.

It may be convenient, by way of illustration, to glance briefly at the single example of Eton, since it is often, though unjustly, represented as the most stationary of our great Public Schools, labouring, as it does, under the special disadvantage of being too largely frequented by the sons of rich and careless parents. In 1848, Eton, then containing about 600 boys, had seventeen regular masters, none of whom taught anything in school-hours but Latin and Greek, with their accessory subjects. Even Mathematics was an optional 'extra,' and taught by 'extra-masters' to a minority of the school. French, German, and Italian, were not only 'extras,' but luxuries in which very few indulged; Natural Science was altogether ignored. There was no system of promotion by merit in the upper half of the school, and no motive but a sense of duty or a love of distinction for continued industry after passing a stage usually reached at the age of fourteen or fifteen. There was literally no graduation of studies above this stage, except in private tuition, and the same lessons from the same meagre list of classical authors were set to all the boys in the Fifth Form, some 300 in number, ranging from thirteen to eighteen years of age. The 'Collegers,' or boys on the foundation, were nominated without competition, and had but just lost the right of succeeding in a fixed order of rotation to scholarships of great value at King's College, Cambridge. From this small and purely Etonian College the Eton masters were almost invariably selected, to the exclusion, not only of men educated at other schools, but also of all Etonians —constituting a very large majority—who had not been on the foundation. Having once been appointed, the assistant-master rose by mere seniority, and the highest forms might be under the dullest and least competent teachers.

In all these, as well as in many other respects, Eton has been thoroughly reformed within the last thirty years. It now contains about 900 boys, taught by forty-four masters, all of whom rank on the regular staff, including ten mathematical masters, and four special teachers of Natural Science, which, though

Digitized by Google

an 'alternative,' is a favourite subject. Teachers of Modern Languages form a separate class of masters, but the study of French, like that of Mathematics, has been made compulsory. Men educated at other schools and any College in either University are freely eligible to masterships, and the higher forms are taught by masters chosen for their ability and not according to seniority. Promotion from one form to another among the boys is no longer a matter of course, but is regulated by frequent examinations, bringing forward the clever and keeping down the dunces, and culminating in the yearly examination of the first hundred boys conducted by Oxford and Cambridge examiners, the result of which furnishes an independent test of the school-teaching as a whole. Admission to the benefits of the foundation is only to be obtained by success in a competitive examination open to all England, and a further competitive examination determines the succession to Scholarships at King's College. The consequence is that most of the honours and prizes at Eton are carried off by 'Collegers,' and that King's is in proportion to its numbers the most distinguished College at Cambridge. It must be confessed that among the 'Oppidans,' or boys who are not on the foundation, the standard of scholarship and industry still admits of being raised, but there is no doubt that literary tastes have become far more widely diffused at Eton within living memory, even in athletic circles, and that, in point of average culture, a cricketing or boating hero of the present day stands far above the level of his predecessors in the last generation.

The other eight ancient public schools, coupled with Eton in the Public Schools Commission, have made, on the whole, corresponding progress, and it is material to notice that all of them are now fuller than ever, notwithstanding the rise of numerous younger rivals, who press them hard in competitions for university scholarships, as well as in the civil service and military examinations. Many of these, as we have seen, are proprietary schools established within the last thirty years; others, like Sherborne, are schools of ancient foundation which have renewed their youth, under more vigorous management, within the same period. The Reports published annually by the Oxford and Cambridge Schools Examination Board enable us, in some degree, to estimate the kind of instruction now given in schools of this class: due allowance being made for the great encouragement held out by the Universities to Classics and Mathematics as compared with modern studies. The Board was founded in the year 1873, and thirty-two schools placed themselves under its operation in 1874. It appears

Digitized by Google

from the last Report that, in the present year, fifty-five schools, in all, sent up candidates for the certificate examination, which is not to be confounded with the general examination of entire schools, or classes, in their ordinary school work under the direction of the same Board. Of the 747 candidates thus sent up, 700 offered to be examined in Latin, 662 in Greek, 187 in French, 65 in German, 736 in elementary Mathematics, 325 in more advanced Mathematics, 603 in Scripture knowledge, 151 in English, 548 in History, 28 in the Mechanical Division of Natural Philosophy, 60 in the Chemical Division, 7 in Botany, 33 in Physical Geography and Elementary Geology, and one only in Music. About two-thirds of the whole number passed; about one-tenth obtained distinction, and 419 certificates were awarded, carrying with them the privilege of exemption from certain preliminary examinations at the University, and in this way supplying another link between Secondary and Academical education. Altogether, it is probable that twice or thrice as many boys are receiving a 'Public School Education' in 1878 as were receiving it in 1848, and it is certain that a 'Public School Education' now means something far more valuable, intellectually, than it did when it was the monopoly of a few privileged institutions.

Some evidence of the marvellous advance made by Secondary Education in schools of a lower class, both public and private, may be gathered from the Reports of the Oxford and Cambridge Local Examination Boards. These Boards have scarcely been in operation twenty years, but the extent to which their educational authority has been accepted by the middle classes is truly surprising. In the present year, the Oxford Examinations amounted to 2,330, including 1,665 in the Junior, and 665 in the Senior Department. Of the former, somewhat more than one-half, of the latter, about two-thirds, satisfied the Examiners, and about thirty per cent. of the whole number were Girls. For the Cambridge Examinations, held last December, no less than 5,876 candidates entered themselves, 4,401 in the Junior, and 1,475 in the Senior Department. The number actually examined was 5,504, 2,113 of whom were Girls. About two-thirds of the Juniors passed, and about thirty per cent. obtained honours; among the Seniors the percentage of passes did not greatly exceed one-half, and about twenty per cent. obtained honours. The range of these examinations is nearly the same as that of the examinations for the higher public schools; but, as might be expected, the proportion of candidates taking up modern

Digitized by Google

subjects is larger, and that of candidates taking up Latin and Greek is smaller. Of course, no such examination of individual students can be equivalent to an inspection of the schools from which they are drawn; but parents can easily ascertain which schools pass most candidates, and the wholesome competition thus introduced has sensibly contributed to raise the miserably low ideal of English middle class education.

Many of the candidates who pass these Local Examinations are, doubtless, educated in schools placed under the jurisdiction of the Charity Commissioners by the last Endowed Schools Act. The Report of that Commission for the present year states that the aggregate income of all the foundations, regulated by schemes under the Endowed Schools Acts, amounted to 209,222*l.*, and that further schemes, already submitted to the Education Department, if they shall become law, will add 32,665*l.* to this income, part of which is derived from 'non-educational sources,' such as obsolete bequests for doles in money or kind. The paragraph in which the Commissioners describe the general principles which have guided their reformatory action is worthy of quotation:

'In dealing with Educational Endowments in general, we have felt strongly the importance of employing them so as to assist deserving Scholars in passing from Schools of an inferior grade, and more especially from Public Elementary Schools, to places of advanced instruction, and in some cases to the University. The method by which this object is provided may be briefly stated. Provisions are as a rule introduced into the schemes for the establishment of scholarships tenable in the schools, and of exhibitions tenable according to the grade of the school, at a University or other place of higher education, or professional, scientific, or technical training. It is usual to direct that scholarships entitling to exemption from payment of tuition fees may be awarded to the extent of ten or twenty per cent. of the number of scholars in attendance, and in ordinary cases not less than half of such scholarships are reserved in the first instance for deserving scholars from Public Elementary Schools.'

In some cases these scholarships are required to be of such a value as shall cover not only tuition fees but a part of the other school expenses, and in schemes for well-endowed Elementary Schools, it is usual to provide that a part of the endowment shall be applied to exhibitions tenable at schools of a higher grade, or otherwise for the advancement of promising scholars. The Commissioners deplore their inability to describe in detail the effect of these and similar reforms, for want of a

Digitized by Google

staff of qualified Inspectors, but they record the satisfactory result that new life has been infused into many Grammar Schools which had fallen into an effete condition, and that, on the whole, the attendance at the best Grammar Schools has been largely increased since they have been remodelled.

We must not, indeed, assume that increased attendance at Grammar Schools constitutes a pure gain to Secondary Education, inasmuch as it has been partly obtained at the expense of private schools, many of which have lately perished in the struggle for existence. Some of these schools did good work in their day, but the great majority were in all respects inferior to Grammar Schools, and, without treating 'Nicholas Nickleby' as a conclusive authority on their management, we may safely affirm that educational imposture has always been specially rife in cheap establishments for young gentlemen, altogether removed from public supervision. Happily, the growth of 'county' boarding schools, under public management, where an excellent education can be obtained at a cost varying from 20*l.* to 40*l.*, has kept pace with the revival of grammar schools in towns, and there is no longer any excuse for the proverbial neglect of education among English tradespeople and farmers. At an admirable school of this class established at Cranleigh, in Surrey, the whole annual charge is 36 guineas, including books, stationery, washing, and medical attendance, while the course of instruction comprises religious knowledge, English language and literature, History and Geography, Mathematics and Land Surveying, French, Latin, Drawing and Singing, Physical Science, and Greek or German in the upper forms.

It may almost be said that public schools for the Secondary Education of girls in England are the creation, not of the last 30 years, but of the last 10 years. I believe that not more than one or two schools worthy of this name existed, when the late Mr. Winterbotham succeeded in grafting a few words upon the Endowed Schools Act of 1869, which have since borne abundant fruits: 'In framing schemes under this Act, provision shall be made, as far as conveniently may be, for extending to girls the benefits of endowments.' The direct effect of this enactment may not, as yet, have been very considerable, though we learn from the last report of the Charity Commissioners that endowed girls' schools are gradually springing up under the Act, and are rapidly filled in suitable localities. But its indirect effect would have been very remarkable, if it had only led to the foundation of 17 new schools for the higher education of girls, within the last 6 years, by the Girls' Public Day-School Company, supported by a very

Digitized by Google

large body of shareholders, and governed by a mixed council of men and women. The declared aim of this company is 'to ensure for girls an education adapted to their requirements, but as sound and thorough as that which boys now receive in grammar schools of the highest class,' and its schools are already attended by some 2,300 pupils, who pay fees, varying according to age, from nine to fifteen guineas a year. Girls' Public Schools, on the same general model, are now being founded, independently, at Birmingham and elsewhere, superseding the 'select' private seminaries at which little was taught but 'accomplishments,' and, as this movement spreads, it cannot fail to elevate the standard even of home-education under governesses, most of whom are now duly qualified instructors, and not merely ladies reduced to practise teaching for their livelihood. It is a fact worthy of notice that, while boys' schools are copying the best features of girls' education, girls' schools are copying the best features of boys' education; for this assimilation of studies cannot fail to exercise a healthy influence on the future relations of the sexes.

But the progress of Secondary Education during the last thirty years is not fully represented by the vast expansion of the great public schools, both in number and in efficiency, by the equally marked development and improvement of grammar schools, by the rapid multiplication of public schools for girls, and by the beneficial influence of the examinations, conducted by the Universities, over the instruction given in all schools above the elementary class, both public and private. We must also take into account the numerous Colleges, mostly of very recent origin, for the special training of youths about to enter various professional careers, such as the Cooper's Hill College for Indian engineers, the Military College at Cowley near Oxford, and the Agricultural College at Cirencester. Nor must we forget either the stimulus imparted to secondary education by the new system of competitive examination for the public services, or the great, if not disinterested, assistance rendered to it by the much abused class of 'crammers.'

It was stated by Mr. C. S. Parker, in an able paper read before the Aberdeen Congress, that in the year 1875 the Civil Service Commissioners examined nearly 4,000 candidates for over 1,000 appointments of the higher order, including first commissions in the Army, Woolwich Cadetships, Marine Cadetships, and various posts in the Civil Service of this country and of India. The great majority of these candidates were doubtless prepared, wholly or partially, by crammers. Now, so far as the art of a crammer is directed to arming his pupils with

Digitized by Google

answers to probable questions, by *memoria technica*, or some equally mechanical process, it cannot be regarded with much respect from an educational point of view; though it may well be doubted whether it is not better for a human mind to be unscientifically overcropped than to be left absolutely fallow and overgrown with noisome weeds. So far, however, as crammers are successful in helping their pupils to master a modern language, a few books of Euclid, a period of history, or the geography of a country, in the shortest possible time, they must have practised effective methods of teaching not unworthy of imitation, and there is no want of charity in suspecting that a certain professional jealousy is mingled with the moral indignation of which they are so often the objects. After all, knowledge is valuable for its own sake, however it may have been acquired; and before we lavish contemptuous pity on a youth for having got up a useful subject too hastily, with the aid of a crammer, let us be quite sure that, without the aid of a crammer, he would have got it up at all. It must at least be owned that the necessity of studying for competitive examinations under skilful guidance, rudely disturbing the reign of well-bred ignorance in high places, has operated as a powerful agent in the progress of Secondary Education.

III. The change that has passed over the older English Universities during the same period is not less remarkable or encouraging. Let us glance rapidly at the state of Oxford thirty years ago, bearing in mind that what applies to Oxford applies also in the main to Cambridge, where the academical system, though somewhat more liberal in a social and theological sense, was in some other respects even narrower and less elastic than at Oxford.[1] When the Oxford University Commission of 1850 was appointed, the University and the Colleges were governed respectively by antiquated codes of statutes, which it would have been no less disastrous than impossible to enforce, but which, in the opinion of eminent authorities, they had no power to alter. Their practical management, as it then existed, would hardly be credited by reformers of a younger generation. The sole initiative power in University legislation, and by far the largest share in University administration, was vested in the Hebdomadal Board, consisting solely of Heads of Colleges with the two Proctors, and well described by Mr. Goldwin Smith as 'an organised torpor.' There was an

[1] The statements in this and the following paragraph are mainly extracted from an article on 'The Universities and the Nation,' by the Hon. George C. Brodrick, in the *Contemporary Review* of June 1875.

Digitized by Google

assembly of residents, known as the House of Congregation, but its business had dwindled to mere formalities, such as receiving propositions which it was not permitted to discuss, conferring degrees in the name of the University, and granting dispensations, as a matter of course. The University Convocation included, as now, all full (or Regent) Masters of Arts, and had the right of debating, but this right was virtually annulled by the necessity of speaking in Latin; and Convocation could only accept or reject, without amendment, measures proposed by the Hebdomadal Board.

Such being the constitution of the University, no student could then be a member of it without belonging to a college, while every member of a college was compelled to sleep within its walls, instead of being allowed, as at Cambridge, to live in lodgings. Persons unable to sign the Thirty-nine Articles were absolutely excluded, not merely from degrees, but from all access to the University, inasmuch as the test of subscription was enforced at matriculation. It is needless to add that, being unable to enter the University, they could not obtain College Fellowships, which, however, were further protected against the intrusion of Dissenters by the declaration of Churchmanship required to be made under the Act of Uniformity. If Professorial lectures were not at so low an ebb as in the days of Gibbon and Adam Smith, when the greater part of the professors had 'given up even the pretence of teaching,' they were lamentably scarce and ineffective. The names of one or two eminent scholars, like the late Dean Gaisford, are to be found in the list of professors for the year 1848, but the students knew them only in the pages of the University Calendar, and if they were engrossed by profound researches in their respective subjects, the world had long ceased to reap the fruits of them. The educational function of the University had, in fact, been almost wholly merged in college tuition, but the Scholarships, as well as the Fellowships, of the colleges were fettered by all manner of restrictions, which marred their value as incentives to industry. Some were confined to natives of particular counties, others were attached to particular schools; in some cases, 'Founder's Kin' had a statutable preference; in too many, favouritism was checked by no rule of law or practice. The great majority of Fellows were bound to take Holy Orders, and the whole University was dominated by a clerical spirit, which directly tended to make it, as it has so long been, a focus of theological controversy.

The entire number of Oxford students, resident and non-

Digitized by Google

resident, amounted in 1848 to less than 1,500, the number of Cambridge students being then somewhat greater. Of these, the great majority at both Universities were content with a mere 'pass,' and spent two or three years between their 'little-go' and 'great-go' examinations in acquiring a *minimum* of classical knowledge at the one, or of mathematical knowledge at the other, so meagre and elementary that it might well have been exacted at matriculation. 'Classics and Mathematics' were, indeed, the only subjects in which honours could be taken at either University, though 'Classics' at Oxford included Ancient History, Moral Philosophy, and Logic, while 'Mathematics' at Cambridge encroached on the domain of Physical Science. Notwithstanding the ease with which a pass-degree could be obtained in those days, the number of students graduating at Oxford in a single year rarely exceeded 300; the average yearly number of first-class men in the school of 'Literæ Humaniores' was 10 or 12, and of first-class men in the school of Mathematics, perhaps 5 or 6. Modern History, Law, Physical Science in all its branches, except those strictly allied to Mathematics, and even Theology itself, were equally ignored in the honour-examinations of both Universities. Yet these examinations were all-powerful in governing the intellectual aspirations of students, and the earnest prosecution of literary culture or scientific research for its own sake, though not absolutely unknown, was certainly very rare. As for the extension of University influence to Secondary Education, or to semi-academical education outside Oxford and Cambridge, such an idea may have occurred to a few enlightened minds, but had never found expression in any practical scheme.

The reforms adopted by the Universities in anticipation of legislative interference, the reforms introduced by the Commissions appointed under Lord Aberdeen's Administration, the supplementary reforms by which the work of those Commissions has been followed up, and the operation of the University Tests Act, have transformed at once the constitution, the curriculum, and the educational character of both Universities. At Oxford there are now upwards of 2,500 matriculated undergraduates, including some 140 members of the new Keble College, and including also some 300 or 400 'unattached students,' belonging to no College, but with full Academical rights, and under the superintendence of special officers. University administration is now in the hands of a Council fairly representing the various classes of Academical society, checked by a vigorous little Parliament composed of resident masters and

Digitized by Google

doctors. College administration is in the hands of Fellows, selected entirely by merit, and largely imbued with the spirit of reform. Though candidates for degrees are still required to qualify themselves in Latin and Greek, the study of ancient languages may be dismissed after passing the intermediate examination called Moderations, which also serves the useful purpose of breaking the time-honoured continuity of idleness between the 'little-go' and the 'great-go.' The honour-lists in the old school of 'Literæ Humaniores' are now much larger than in 1848, but new schools of Law, of History, of Natural Science, and of Theology, have established themselves, on all but equal terms, side by side with the old schools of Classics or Mathematics, and those who take honours of the first, second, or third class in any non-classical school, are relieved from the somewhat humiliating necessity of 'passing' in Classics. Both Scholarships and Fellowships are freely offered for proficiency in these studies, and if they are not so often awarded to scientific candidates as to scholars, it is because Oxford still attracts a much larger proportion of advanced scholarship than of scientific ability. The list of Professors is now almost twice as long as it was in 1848, and the number of lectures given by Professors is many times as great, notwithstanding that College tuition has been largely improved and developed through intercollegiate arrangements known at Oxford as 'the Combined Lecture System.' Natural Science, for special and obvious reasons, is almost exclusively taught by Professors and their assistants, for the most part at the University Museum—an institution also founded within the last 30 years. Nor has this vast increase of educational activity in Oxford been purchased by a diminution of literary or scientific results; on the contrary, learning and research have kept pace, as might be expected, with the greater energy of teaching. Though Oxford would not presume, and does not aspire, to compete with her German rivals in the multiplication of monographs edifying only to a select circle of savants, a collection of the independent works, and still more of the valuable articles in literary and scientific periodicals (not to speak of journals), written by Oxford Professors and Tutors in the course of a single year, would effectually silence those who affect to deplore the intellectual sterility of our older Universities. The impression that Oxford is mainly a clerical and aristocratic seminary would prove, on inquiry, to be equally obsolete. By means of open Scholarships and Exhibitions, as well as by the admission of 'unattached students,' belonging to no College, a very large infusion of plebeian and even of democratic elements has been imported

Digitized by Google

into it, all religions are there mingled harmoniously, nor is it uncommon to meet in the streets young men of Oriental race and complexion, wearing Academical costume. One or two Colleges may have succeeded in keeping themselves exclusive, but the University has become thoroughly cosmopolitan. Nearly the same may be said of Cambridge, which has always drawn mathematical aspirants from the humbler ranks in the North of England; and it is gratifying that such collegiate institutions as Girton College for the higher education of young women, and Cavendish College for that of youths chiefly destined to be farmers, have grown up under the shadow of that ancient University, and not without the support of its authorities.

But the direct educational influence of Oxford and Cambridge is no longer confined, as it was thirty years ago, within their own precincts. In conducting jointly the voluntary Examination of Public Schools, and in conducting independently the Local Middle Class Examinations, they have virtually assumed, as we have already seen, an effective control over the whole system of Secondary Education in England, apart from that which they already exercised indirectly through Scholarships and the entrance examinations at their various colleges. In the meantime, Cambridge deserves the credit of having singly established a system of Academical Lectures and Classes in various provincial towns, amounting last year to 20. The expenses of these lectures are guaranteed by local committees, but the lecturers are appointed by a Cambridge Syndicate, and their courses were attended last winter by audiences varying from 3,500 to 2,400. The list of subjects treated is, no doubt, very miscellaneous, and it is only by courtesy that attendance on such lectures, even if followed by class-instruction, can be regarded as a kind of Academical training; still, it brings thousands of half-informed persons under the educational sway of minds thoroughly disciplined in the highest learning of the Universities, and may attract some to seek further instruction at the Universities themselves. Oxford is now taking steps in the same direction, and a scheme for the extension of University teaching on similar principles was set on foot two years ago in the metropolis, which, though it has not yet realised all the hopes of its promoters, has brought higher education of the University type within reach of many unable to avail themselves of the admirable lectures provided at University and King's Colleges.

The students of these Colleges, as is well known, depend for their degrees on the London University, and the function of the London University in organising Academical education,

Digitized by Google

among colleges entirely disjoined from each other, has been ever on the increase during the last 30 years. At present it musters some 3,500 matriculated students, and 581 passed the matriculation examination in the present year. It is true that large deductions must be made for matriculation students who never proceed to degrees, but many of these pass their intermediate examinations, though content to remain undergraduates. If it be objected that a large proportion of those on the nominal muster-roll are students of Medicine or Law, and not of Arts, let the mighty array of German University Students, which is so often paraded for our humiliation, be subjected to a like scrutiny. Let us eliminate the students in Theology, Jurisprudence, and Medicine, and we shall find that the residue, consisting of students in 'Philosophy,' amounts not to 17,000 or 18,000, but to less than 7,000. It is of course highly expedient that as many clergymen, lawyers, and doctors as possible should receive a University education, and, upon this ground, it is worthy of grave consideration whether the English Universities should not place the professional Faculties, as they may be called, on the same footing with the Faculty of Arts. But, until this be done, it is vain to compare the net total of English University students prosecuting a non-professional education up to the age of 22 with the gross total of German students, nearly two-thirds of whom have already entered on a special training for their professions. Still more unreasonable would it be to ignore the students of Law and Medicine at the London University, which has now opened its degrees to women, and which in future comparisons of the same kind may take credit, with equal justice, for its female students.

IV. It is now time for us to consider briefly certain weak points which remain to be strengthened, and certain open questions which remain to be settled, in the future development of National Education in England. Three such questions have been selected for special treatment at the present Congress, and I shall not anticipate their discussion.[1] Those to which I shall now refer are not perhaps more important than others which might be suggested, but have been forced upon my own attention in dealing practically with Primary, Secondary, and Academical Education.

[1] These questions were the following:—
Is it desirable to establish Free Primary Schools throughout the country?
Is it expedient to increase the number of Universities in England?
In what way is it desirable to connect the system of Primary Schools with the Endowed and other Schools that supply Secondary Education?

Digitized by Google

1. It is admitted that regularity of attendance is among the most essential conditions of efficiency in Elementary Schools. It is the special duty of visitors to enforce it, the best teachers pride themselves on maintaining it by their personal influence, and further encouragement is sometimes given to it by the offer of good attendance prizes. Now, the worst and most intractable form that irregularity of attendance can assume is the capricious removal of children from school to school, without any reasonable cause—it may be to save a penny a week out of twopence or threepence which the parent could well afford, or to spite a teacher whom the child dislikes, or, more probably, to escape the notice of visitors, and to evade for a while the operation of compulsory bye-laws. The evil involved in these capricious removals is fourfold. There is a waste of teacher's power in needless entries on the school registers, but, far more, in the needless interruptions and repetitions of lessons which ought to be continuous. There is a waste of visitor's power in hunting up children struck off the register of one school and not yet placed on the register of another. The children themselves suffer, both in respect of instruction and in respect of discipline, whenever they are taken away from schools where they are doing well, and in many instances spend days or weeks in the streets before they are settled again. Lastly, the schools from which they are removed lose the examination grant which they might have earned, and have their average of attendance reduced, while the schools to which they are removed seldom gain anything, since the children have not kept 250 attendances at either. The rules of the London School Board discourage, to a certain extent, the admission to Board Schools of children thus capriciously removed from any other school, whether under the Board or Voluntary. At Liverpool a more effectual check has been placed upon such migrations by means of a compact between the School Board and the managers of the leading Voluntary Schools, under which a child is only removable from one school to another at certain periods of the year, except in cases therein defined. It is to be hoped that a few years hence regulations of this kind may become universal in Elementary Schools, as they are in schools of a higher class. But it must be confessed that at present there would be some difficulty in enforcing them, if their validity were disputed. After all, a parent cannot be prohibited from removing his child from the first school, and if admission be refused at the second, the child will certainly be without schooling until the matter is decided. It was probably upon this ground that the London School Board lately declined to make its existing

Digitized by Google

rule more stringent, and until compulsory education has taken deeper root in public sentiment, there is much to be said for leaving open as many school doors as possible, and requiring no passport on entrance but the production of the new Child's School Book.

It is on a like gradual process of popular enlightenment that we must chiefly rely for any marked improvement in what may be called the social and civilising results of Elementary Schools in this country. Though England may compare favourably with France, and not very unfavourably with the United States, in the mere percentage of adults who can read and write, both French and American education are apparently superior to English education in their humanising influence on the people. A French peasant may be quite illiterate, ignorant of newspapers, and the ready dupe of political imposition, yet the brightness of his intelligence and the grace of his manners strike every English traveller. But then he is hardly ever stupified by drink, and history tells us that national characters and tastes are moulded by many other agencies besides mere schooling. Where a traditional sense of proprietorship has been fortified by a new sense of social equality, as in France; where every school imbibes the stimulating and restless atmosphere of commercial enterprise, as in America; or where every home is penetrated with the democratic spirit of Presbyterian Church-government, as in Scotland; a given amount of book-knowledge will go much further in sharpening the faculties than in the stagnant climate of an English country-parish. Nevertheless, in spite of express injunctions in the Education Code, it is impossible to be satisfied with the success of English Elementary Schools in civilising their scholars by inculcating 'good manners and language,' 'cleanliness and neatness,' 'consideration and respect for others;' and in this kind of cultivation the schools of Scotland must rank below those of England.

Nor can we afford to be content with the average proficiency even of those children who attend regularly enough to earn a grant in English schools. After making due allowance for the fact that many children of 9, 10, or 11 now forced into school under compulsory bye-laws are perfectly raw material and might properly be classed with infants, as well as for the fact that under the present rules many scholars capable of passing their examination are excluded from it by default of attendance, we must still regard it as lamentable that only 270,317 children were presented last year in the three higher standards, and that nearly half failed to pass in three

Digitized by Google

subjects. Since the law permits children to be employed on full time after passing in all three subjects under Standard IV., we are the less surprised to find that little more than 55,000 passed in all three subjects under Standards V. and VI., but this very provision would naturally operate as a heavy premium on satisfying the moderate requirements of Standard IV., yet only about 82,000, nearly all above 10 years old, succeeded in doing so. Now there are thousands of children in the upper classes who, after two or three years' teaching under a governess, could easily pass this Standard at 8 or 9 years of age, besides having a sound rudimentary knowledge of Music, French, and Latin. There are also very many diligent half-timers who find no difficulty in advancing from one Standard to another, year after year; and there are probably very few children too dull to reach Standard IV. after four years' continuous and efficient instruction. The Education Department most properly declines to recognise its own returns as satisfactory. 'They show the large number of children who are not known to be attending efficient schools; the small number even of those attending such schools, who do so with anything approaching to regularity; and the meagre nature of the results attained by many of the scholars who are examined.' They also show that, except as regards infant schools, England and Wales are considerably behind Scotland both in school attendance, and still more in the attainments of their scholars, as tested by examination. For instance, the grant earned on examination in Standards was 6*s.* 6*d.* per child in England, and 6*s.* 10¼*d.* in Scotland; that earned on examination in Classes was 2*s.* 11*d.* in England, and 3*s.* 4¼*d.* in Scotland; that earned on examination in higher or Specific Subjects was 10*d.* in England, and 1*s.* 11¾*d.* in Scotland. It must, however, be observed not only that Scotch Elementary Schools are more largely attended by children of a superior class in society, but also that a larger proportion of children remain there after the age of 13.

Happily, it is morally certain that each succeeding year will show a marked improvement. As School Boards multiply, and School Attendance Committees resolve to enforce as well as to frame bye-laws, both the amount and the regularity of attendance will be largely increased. As the schools are less flooded with older scholars ignorant of their letters, more and more will be presented in the higher standards. As methods of teaching become perfected in the hands of trained masters and mistresses, it will become possible to impart more knowledge in a shorter time. As young people reclaimed by schooling from barbarism and heathenism grow up and become

Digitized by Google

parents, they will be less disposed than parents of the former generation to mar the refining influences of school teaching and school discipline by setting their children the example of bad habits and bad language at home.

But one thing more is needful. In the choice of subjects, as well as in the methods of teaching, we must strive to make every hour of schooling tell upon the practical wants of the scholar's future life. Let us never lose sight of the fact that Primary Education is not the first stage of education for the great mass of the wage-earning classes, but the whole of their education. Every page read should therefore, if possible, be a vehicle of useful knowledge, every sum worked out should call up the idea of concrete realities, every lesson in geography should enable the child to feel at home in thinking of distant localities. It is because it appeals so directly to a child's faculty of observation and sense of utility that Elementary Science deserves the place that Sir John Lubbock claims for it in Primary Education. If it be idle to suppose that young men will study what they believe to be useless as earnestly as what they know to be useful, merely for the sake of mental discipline, still more idle is it to suppose that children will give their minds to dull abstractions as readily as to something tangible and capable of being explained by experiment. Even as a mere instrument of mental discipline, Elementary Science is certainly not inferior to Grammar, and if room could not be found in a school time-table for both these subjects, I should prefer to sacrifice Grammar. Those who contend that an Englishman cannot learn his own mother tongue correctly without the aid of abstruse grammatical formulæ are bound to show how it came to pass that all the great masterpieces of classical literature, which serve as models of style to modern authors, were produced by men who, so far as we know, were utterly ignorant of Grammar, and lived before it was invented. For the purpose of rapidly acquiring a foreign language, Grammar is of great value, and there are a very few broad grammatical rules which it may be well to impress upon children as part of their lessons in reading and writing; but I venture to express a doubt whether the more formal teaching of Grammar in Elementary Schools is not a waste of time grievously needed for subjects which not only discipline the mind but equip it for the battle of life.

Another means by which teaching power might be economized and rendered more effective for the higher standards has been suggested in an able paper by the Rev. E. F. M. MacCarthy, a member of the Birmingham School Board.

Digitized by Google

His proposal is that, in large towns at all events, the instruction in ordinary Elementary Schools should not be carried above Standard IV., and that all the children in Standards V. and VI. should be grouped in Central Schools under highly qualified teachers. The obvious objection to such a proposal is that it would discourage teachers in ordinary schools, by condemning them to perpetual drudgery in the lower Standards, while their most promising scholars would be drafted off. To this Mr. MacCarthy replies that at best the percentage of scholars in Standards V. and VI. is very small indeed, and that henceforth the great ambition of schoolmasters will be to pass as many children as possible in Standard IV. before 11 years of age, with a view to obtain Honour Certificates under the Act of 1876. Perhaps it may be felt that it is a little premature to provide an elaborate machinery for better instruction in the two upper Standards, until we have actually secured a better average of proficiency in the lower. However this may be, it is evident that any improvement of Primary Education by means of grading must tend towards a progressive development of the Board School system. The parish is the natural unit of the Voluntary system, and as most parish schools must needs be small, they will usually contain a mere handful of children in the upper Standards, and these will either be neglected or will engross a very undue share of teaching-power; whereas in large Board Schools they will be enough to form a class of the ordinary size, or they may be taught separately at Central Schools, as the pupil teachers are under the Liverpool School Board. This advantage on the side of Board Schools was entirely overlooked by Lord George Hamilton in his somewhat partial comparison between the expense of the Board and that of the Voluntary system, which is open to exception on other and broader grounds.

When the extravagance of School Boards is held up to public reprobation, and when it is inferred that, in proportion as Board schools are substituted for Voluntary schools, the general public will be heavily taxed, a great many things are forgotten. It is forgotten that School Boards, having to provide immediately for neglected districts without the aid of Government building grants, are compelled to buy sites, often at an exorbitant cost, to build schools of the best construction at the present high rate of building prices, and to pay the interest on sums borrowed for these purposes. It is forgotten that on them falls the whole burden of working the machinery of compulsion, by which Voluntary schools equally benefit. It is forgotten that having to educate the most intractable class of

Digitized by Google

children, and being expected to serve as a pattern of school organization, they must needs employ an expensive class of teachers. Above all, it is forgotten that School Boards are doing work imposed upon them by the Legislature, because voluntary effort had failed to do it; that if it were not done by School Boards it would have to be done by some other agency; and that, in this case, even if the new agency were voluntary, the money would not come from the clouds, but from one or other of the national pockets. The financial question between Voluntary or Board Schools is not a question between economy and waste; it is a question between two modes of raising a given revenue—between the eleemosynary support of schools by contributions from the clergy or a benevolent section of the upper class, and the public support of schools by contributions from the whole community. No doubt many ratepayers, who disdain to use Board Schools, would gladly send their children to be educated at Voluntary Schools, without paying either subscription or rates. But the poorer and less fastidious ratepayers have little reason to complain of the terms on which they obtain education at Board Schools for their children. Let us take the school-rate for London at 5*d.* in the pound, and let us suppose a parent, with two children of school-age, occupying a tenement valued at 20*l.* a year. He will thus pay 8*s.* 4*d.* in rates, and perhaps 15*s.* a year in school fees—1*l.* 3*s.* 4*d.* in all. But the real cost of schooling for 2 children will amount to about 5*l.* a year, so that he will obtain it for less than a fourth of the cost-price. There are, of course, many advantages on the side of the Voluntary system, and it has yet to be proved that public spirit is so effective a motive as Christian zeal for the careful and conscientious management of schools. But the notion that equal results can be procured for less money under the Voluntary than under the Board system is a pure delusion which ought not to be sanctioned by official authority.

2. Perhaps the reform that is most urgently needed in Secondary Education is a comprehensive revision of the curriculum now adopted with too little variation by nearly all Grammar Schools and other schools of the same grade. Until very lately it was thought perfectly natural, and not otherwise than satisfactory, that full twelve years of life, from 6 or 7 to 18 or 19, should be almost exclusively consumed in acquiring a very imperfect knowledge of two dead languages; for very few boys succeeded in appropriating the real treasures of Latin and Greek literature. This classical monopoly has at last been invaded, but the masters of Grammar Schools have not yet

Digitized by Google

shaken off the impression that it is their principal duty to prepare a few boys for the Universities, where Classics and Mathematics are still in the ascendant. Now, what is Secondary Education for the vast majority of those who avail themselves of it? Secondary Education is the education of boys and girls who can afford to cultivate their minds during the whole period of growth, but no longer; just as Primary Education is the education of children who must earn their livelihood, as boys and girls, before they grow up, while University Education is the education of adults who can spare a few years of manhood to gain a greater maturity of culture. The main business of Elementary Schools is to give the best training for children about to be engaged in manual labour, due provision being also made for the very small minority capable of rising to schools of a higher grade, and the main business of Grammar Schools is to prepare the great mass of their scholars for commercial and professional careers, due provision being also made for the much smaller class destined for the Universities. To frame such a course of studies as shall best prepare youths for the requirements of commercial and professional life in these days is a task worthy of the highest educational statesmanship, but it is self-evident that modern requirements are no longer to be satisfied by an education which sufficed in the reign of Queen Elizabeth, when Latin and Greek constituted the staple of European literature, when Natural Science was barely struggling into existence, and when Englishmen had little occasion to go, or to correspond, beyond their own island. It is probable that Latin, as the key to so many of the modern languages and so much of modern thought, may still hold its own in Secondary Education, but I cannot doubt that Greek—notwithstanding that it is the language of the New Testament—will ere long be classed among the luxuries, and not among the necessaries, of scholarship, even at the ancient Public Schools.

For the accomplishment of these and similar reforms in Secondary Education, as well as for the more scientific training of the scholastic profession, I am disposed to rely upon the free action of public opinion, now awakened, rather than upon any general system of Government inspection and official registration. The control of Government over Primary Education is to be justified not only by the paramount necessity of rescuing the masses from an educational destitution perilous to society, but also by the fact that Inspected Elementary Schools derive a third of their income from State grants. Neither of these reasons can be urged in favour of subjecting a higher class of schools to annual inspection, however proper it may be to

Digitized by Google

institute a periodical visitation of Endowed Schools in order to check the growth of fresh abuses in their management. The bracing influence of competition operates far more directly on this class of schools, the parents who send their children thither are far more competent to insist upon getting a good return for their money, and a large proportion of the masters are among the most enlightened men in the country—men whose discretion in teaching it would be disastrous to fetter by an uniform code of rules, and whose qualifications could not be tested by a certificate examination. No doubt, teaching is an art, but it is also a gift, and a master who had the gift without the art would be so far more capable of inspiring his pupils than one who had the art without the gift that an ordinance requiring all Public School or Grammar School masters to be trained would probably defeat its own object. Some of the very best teachers of Classics and Mathematics are young University 'coaches,' fresh from their own examinations, and so able to carry their pupils over the difficulties which had puzzled themselves, but wholly innocent of pedagogic science. It has yet to be shown why the principles of Free Trade, or what the Germans call freedom of teaching, should not continue to regulate Secondary Education. Let those schools which desire to be inspected and to have their masters certificated by a central body, combine together for the purpose, but let those who prefer to shift for themselves be allowed the liberty of holding aloof.

3. It is the less necessary for me to dwell at any length on the vexed questions connected with University Education, because I stated my views on many of them in a paper read before the Brighton Congress, and there are none of those views which I desire to retract. The Legislature has since passed Acts for the further reform of Oxford and Cambridge, and Executive Commissions have been appointed to carry out the measures therein contemplated. The chief aim of these measures is to develope the educational resources of the University at the expense of the Colleges, and it is generally agreed that, within certain limits, this redistribution of funds is expedient, if not strictly in accordance with legal doctrines; but very grave differences of opinion exist as to the ultimate ideal to be kept in view, and I must not shrink from asserting, plainly and succinctly, my own convictions on this subject. I regard the Universities as essentially places of Academical education, and only incidentally as retreats or places of study for learned men. According to my conception, their primary and noblest function is the instruction and training of youth for the higher walks of professional and public life—not monastic self-culture or even

Digitized by Google

the production of monographs, whether literary or scientific. So long as Classics and Mathematics with the other subjects embraced in the Faculty of Arts were the only subjects which English gentlemen cared to cultivate, the demand for teaching was admirably supplied by the better Colleges, and it would have been a sheer waste of public money to found new Professorships, when the existing Professors either did not lecture at all or lectured to almost empty benches. Now that the range of University studies is so largely and beneficially widened, the College system, invaluable as it is, has become inadequate to provide the variety of teaching required, and, moreover, the peculiar exigencies of teaching in Natural Science point to a concentration of lecture rooms, with laboratories, museums, and other scientific accessories, under University superintendence. Hence the necessity for more Professors, and an extension of University establishments; and this necessity is further strengthened by the recent admission and constant accession of students attached to no College. Other contributions from the Colleges may be needed to found University, as distinct from College, Scholarships, and to organise University tuition in certain non-scientific subjects hitherto unduly neglected. When, however, it is proposed to go far beyond this, and to divert by wholesale revenues now invested in Fellowships to create a Professoriate on the scale of those at the German Universities, together with a number of pensions to reward or stimulate 'mature learning and original research,' I cannot but deprecate so revolutionary a change, in the interest of learning no less than in that of education.

The analogy between the English and German Universities is radically fallacious, because, in the absence of College tuition and discipline, the German Professor stands in the place both of the English University Professor and of the English College-tutor. As a tutor, he labours under the grievous disadvantage of having no strictly tutorial authority or responsibility; but at all events, and above all, he is an educator—not a sinecurist, despising the duty of imparting knowledge to common minds and wrapped up in his own speciality. The subject which he 'represents' may attract but a small class, but he teaches it all the more thoroughly; and the very last privilege which he would think of demanding would be the privilege of devoting himself to lifelong study, on full salary, without the obligation of teaching. The German Professors who have done most for the advancement of literature and science have been zealous and successful lecturers; and if the purely ornamental Professor would be out of place at Ber-

Digitized by Google

lin, still more would he be out of place at Oxford or Cambridge. So long as the older English Universities retain that essentially collegiate character which constitutes their life, and so long as the intellect of the nation continues to be practical rather than speculative, a moderate number of working Professors, aided by a larger body of Tutors, acting in harmony with them and under their general superintendence, will be amply sufficient for every legitimate requirement of Academical education. Those who are capable of original investigations have six months of leisure in which to pursue them, and there is no reason why special grants should not be made from the University chest for special work of this kind, whether done by Professors or by others, of whom there will always be many, residing at Oxford and Cambridge for the prosecution of advanced study.

In the meantime, the Fellowship system may be so modified as to make it even more powerful than it is at present, in encouraging and regulating the industry of the ablest students. To sweep away this system would, in my judgment, be the heaviest blow that could be dealt at the educational vitality and influence of the older English Universities. I shall venture to borrow language which I have used elsewhere in summing up the reasons which have led me to this conclusion. 'I believe that Fellowships, awarded as they now are by Academical merit, are the mainspring, or *primum mobile*, of English University education, as well as of the College system. I believe that by means of them all the learned professions and the upper ranks of society have been leavened with an intellectual element which can ill be spared by the governing classes of England. I believe that without them the attraction of money-making pursuits would prove altogether too strong for the attraction of Professorial instruction, and that Oxford would be deserted by many of its most energetic students. I believe, after careful investigation, that Fellowships are seldom won by young men of more than limited means, and that, as a rule, they stimulate rather than enervate the industry of their holders. I believe that a given sum wisely expended in Scholarships and Fellowships would, in general, produce a larger return to literature or science than if it were expended in endowing research or creating a scientific oligarchy . . . . Indeed, when I look around me, and see both political and social influence almost exclusively shared between men who have received it by hereditary succession, and men who have purchased it by a talent for making their fortunes—when I see the independent elements of English so-

Digitized by Google

ciety well-nigh crushed out between territorial aristocracy and commercial plutocracy—I confess that I regard the 100,000*l.* yearly spent on Oxford Fellowships as among the most profitable of our national investments, and should regard the withdrawal of it as nothing less than a national disaster.'

That which is needed at our older Universities is not a root-and-branch destruction of their constitution and spirit, but, simply, a better organization of their educational power; and this want of organization is the grand defect of English National Education in all its branches. We have numerous and excellent Elementary Schools in all the large towns, but their distribution has been mostly governed by parochial and not by public considerations; many of them are under independent bodies of managers, and almost every one is managed on thoroughly 'insular' principles, being connected with no other elementary school by a system of gradation or division of labour, and with no school of a higher class by Scholarships or Exhibitions. School Boards have not been elected even in all the great towns; in smaller towns and country districts, their place is generally supplied by School-attendance Committees representing the Boards of Guardians. After all, schools for pauper children are outside the School Board system, and inspected under a separate department, while technical schools hardly exist at all. Our secondary Public Schools excel all others in the world as training-grounds for the formation of a manly character, but until very lately they claimed the right of teaching as little as they pleased, unmolested by any external authority, and even now are not only exempt from official inspection, but subject to no such test of efficiency as a general 'leaving-examination.' As for our Military, Naval, Engineering, Agricultural, Theological, and other professional Colleges, they are scattered about the island, for the most part in healthy situations, but with a sublime disregard for concentration of teaching-power, and without a link to connect them with any other educational institution in England. Even the long-predicted ladder of educational promotion, reaching from the gutter to the Universities, still remains to be constructed, for though a boy of exceptional ability at a Grammar School has a fair chance of gaining a College Scholarship, the percentage of children passing from Elementary Schools to Grammar Schools is extremely small, and will not be materially increased, until Exhibitions of sufficient value to cover both the cost of schooling and the cost of maintenance shall be provided in sufficient number. Nor can I forbear to notice, among the many signs of defective organization, the want of authorised

Digitized by Google

text-books for Elementary Schools, and the elaborate but chaotic obscurity of the so-called New Code yearly issued by the Education Department, the result of successive revisions never reduced to order by a capable draftsman, and the cause of infinite perplexity to all concerned with the management of Elementary Schools.

4. For the purpose of harmonizing on a national basis the various forces now employed independently in the work of National Education, two comprehensive measures have been proposed. The one, ably advocated by Dr. Rigg, of the Wesleyan Training College, is the institution of 'a general chartered Educational Council,' representing the Universities, the Intermediate Schools, and the Elementary Schools, charged with the whole direction of training, certificating, and examining, and thus superseding the Education Department in all its more important functions. The other, so often discussed at meetings of this Association, is the elevation of the present Education Department into a complete Ministry of Education. The second Endowed Schools' Bill, introduced by Mr. Forster in 1869, and the Bill to be introduced next year by Mr. Lyon Playfair (so far as its purport is known), are very limited and tentative applications of the broad principle for which Dr. Rigg contends, having for their sole object the reform of Secondary Education. Mr. Forster's Bill provided that, after a certain date, the scholars of all endowed schools should be examined, and the masters of all endowed schools (unless already certificated by the Education Department) should be certificated by an Educational Council, half of whose members should be appointed by the Crown, and half by the Universities of Oxford, Cambridge, and London. Mr. Playfair's Bill is understood to provide that a Council shall be constituted, representing the Universities, the College of Preceptors, and the Crown—which, however, is ultimately to be replaced by the general body of registered teachers; and that in this Council shall be vested the power of registering all persons engaged in Secondary Education, with the duty of reporting upon all examinations affecting the interests of Middle-Class Schools.

I shall not enter here into the comparative merits of these schemes, but I will venture to point out that, while any Educational Council that may be formed must derive its powers from Act of Parliament, no such Council, however ample its powers, could supply the place of an Education Minister. No doubt the extension of direct State control over the whole system of National Education in England would be equally inconsistent with English notions of liberty and with the highest

Digitized by Google

ideal of educational development. Hitherto Government has confined its direct action to laying down the conditions upon which State aid shall be granted to Elementary Schools, regulating the application of trust funds and creating new governing bodies in Endowed Schools and the Universities, and requiring that every child shall attend school up to a certain age. But in a multitude of indirect ways the province of Government overlaps the province of Education, and it is a grievous national misfortune that no Minister is charged with the duty of overlooking this province in its entirety, with a view to initiate any legislation that may be required, or at least to criticise with some authority the proposals of others. It is possible to be too superstitiously jealous of State interference in this sense, as if Parliament, or a Government responsible to Parliament, were some intrusive alien power, whereas it is nothing but the highest expression of the national will. On the other hand, it is quite possible to ignore unduly the danger of a narrow educational policy being stereotyped by a Council exclusively composed of Educationists, that is, producers of education, and hardly representing the public at large, that is, consumers of education. Most of the reforms in National Education effected during the last thirty years have, in fact, been originated by public opinion rather than by schoolmasters; but had public opinion been left to operate locally, instead of through an imperial Legislature, many of them could never have been effected at all. In a word, the reasons for establishing, not a Director-General, but a Minister, of National Education remain equally strong, whether or not an Educational Council be also established, and would become all the stronger, the greater the authority to be vested in such a Council. If there is to be educational centralization, the ultimate control of it must surely rest with the nation itself.

But no difference of opinion as to the selection of means or agencies must be allowed to obscure our perception of the great end to be realised. To organize National Education in such a sense that no wheel in its mechanism shall fail to play freely, and that none shall work to waste, that every endowed or State-aided school and college shall have a definite function assigned to it, that even private teachers shall be encouraged to feel themselves engaged in a public service as trainers of citizens, and that a new sentiment of intellectual sympathy among Englishmen shall call forth a new sentiment of national brotherhood in England, as it did in ancient Greece, and as it has in Germany—such appears to be the educational mission of this

Digitized by Google

generation. Three centuries have elapsed since the Renaissance and the Reformation gave a more powerful impulse to National Education in this country than any which it has since received. The subsequent growth of the nation in numbers, in resources, in commercial enterprise, and in the range of its political responsibilities, has far outstripped its educational growth; and the vast disparity of educational training between class and class has assuredly concurred with other causes to produce the essentially modern separation of English society into 'horizontal layers,' corresponding too closely with degrees of wealth. There can be no solid national unity, if there is no community of ideas and culture between various sections of the nation. There can be no approach to social equality, where the difference of tastes, interests, and refinement is so great as it now is between gentlefolks and tradespeople—between the employers of labour and the wage-earning multitude. There is no power capable of checking the portentous advance of plutocracy in this age, except the power of aristocracy, as Plato conceived it—the aristocracy, not of parentage, but of education. He who shall have contributed, however feebly, in his day and generation to overcome the disuniting influences of caste and class-distinctions by the cementing influences of National Education, will not have lived or laboured in vain.

Digitized by Google

Address

ON

HEALTH,

BY

WILLIAM HENRY MICHAEL, Q.C., F.C.S.

WITHIN the limit of the present century, Curative Medicine has fairly taken its place as one among the sciences. Mainly dependent as an art upon empiric formulas, it is owing to the improvement of our methods and instruments of research that we have obtained a scientific knowledge of diseases, their origin and progress, founded on a truer, fuller, and more precise acquaintance with the organs and functions of the human body when in health, enabling those changes more adequately to be appreciated, which it is the duty of the physician or surgeon to remove. The intelligent and patient use of the scalpel, the microscope, and the chemical balance has accomplished marvels; and we have to-day to rejoice that diseases and sufferings before hopeless of alleviation are now easily and surely brought within our control, and that both in the domain of medicine and surgery cures are effected where before there was nothing left for the sufferer but to drag on a weary existence; while for those who wished the most to assuage his pain, there remained but the sad task of watching for its only possible cessation in the termination of the life struggles of the sufferer. Where in the list of the victories of the world should the discovery of chloroform be recorded? and, where amongst the roll of conquerors the name of its discoverer? Who shall estimate the suffering which has been saved, and the lives rescued by its use? In all the annals of humanity there shall be recorded together to the glory of our country that one of us, claimed by you as almost a townsman, has given to the world a remedy in vaccination for the most loathsome

Digitized by Google

and destructive disease that ever afflicted man, and that another, an equal benefactor, has chased from humanity its direst suffering, and in the moment of anguish has removed the curse and made more secure the blessing. It is a happy thing for us that of these two we may claim at least one to place in the records of the achievements of preventive medicine. And what achievements! Spite of the detractors of vaccination, where are the scarred and disfigured faces which formerly in our streets met us at every turn? Are they not happily things of the past, and if remains of this great scourge still exist, and the name has not altogether died out from our records of mortality, is it not mainly on account of ignorance or apathy, or of the interference of prejudice with a full and perfect use of our invaluable means of protection? Besides this there may still linger, in a very few cases, unscientific and inadequate methods of performance of the simple operation which so effectually protects when once the system has been brought within the scope of its influence. There are no statistics in preservative medicine to tell us of the number of lives, and of limbs, saved by the use of anæsthetics. What wondrous operations we read of as performed on all the cavities of the body, which it was formerly thought to be certain death to open! What tumours removed! What limbs bisected and saved! What numbers restored to useful lives, who, but for the use of means which render them unconscious to suffering, would either have perished or dragged on disabled lives as burdens on the community. A few years ago, and it must be confessed, the list of our processes to prevent disease was not large. Quarantine stood at the head of these—a custom more honoured in the breach than the observance, although still prevailing over the whole world; a thing more of fees than of science, and which those forcibly subject to its provisions have always thought useless to arrest the propagation of disease, and which experience has generally proved to be so.

A piece of camphor was worn suspended round the neck in a silk bag, the silk generally chosen of a black colour, in order to betoken the deadly character of the infectious epidemic diseases upon which the amulet would work its charm; the emission into the houses of the period of the fumes of chlorine, either directly set free from its compounds, was practised to the sad detriment of the furniture and fire-irons, or it was kept constantly oozing out of a mixture of chloride of lime, moistened with water set in saucers in the corner of every

Digitized by Google

apartment; this was on the homœopathic principle still pursued by many philosophers of our own day, that in order to get rid of something very bad and disgusting, it is necessary to kill it and its effects by some other thing pre-eminently nasty; and hence, from that time to this, the use of so-called disinfectants, of many or most of which it may safely be predicated that, while almost entirely useless, if not worse, the remedy is at least as bad as the disease, and it is not at all certain that illness is not sometimes caused by their use. But during all this time of ignorance of the real modes for prevention of diseases, curative medicine was being pursued to its end by philosophical methods, and by its own advance in knowledge threw a flood of light on the causation and progress of disease, and therefore on the means for its prevention. Typhus fever, one of the direst of maladies formerly always more or less prevalent in the crowded habitations of our towns, and often too in the most beautiful parts of the country, has now almost entirely disappeared. Types of ague of various durations and forms which filled page upon page of our scientific treatises on the principles and practice of medicine, have almost died out of knowledge. Sweating sickness, spotted fever, and a host of other congeners of ill augury are gone and for ever. But there still unhappily linger dirt diseases, which are plague spots on our civilisation; and it is the peculiar province of this Association to aid and direct work by which they may be driven from amongst us: and in this we shall succeed. We are succeeding, and it is only because such a legacy of neglect has been left us by our forefathers that we have not yet entirely succeeded; but we have traced the enemy of our homes and of our peace to his last resting place, and we must allow no rest in our endeavours until the last trace of his presence has disappeared. Our immediate predecessors thought that by keeping their blood properly in motion, by being bled every spring and fall, and by resorting to the disgusting fashion of inserting peas and tapes in various parts of their bodies to keep pure the humours, they were maintaining their health, and only doing what was essential to its preservation—means about equally useful with the fashion of piercing the ears and inserting a ring to cure affections of the eyelids, generally occasioned by malposition of the eyelashes. We, at least, have better means of knowledge, however we may be disposed to use them. We have been taught and know that the advent of preventible disease is from without and not from within, and that we have within our disposition and control the means to lay the spectre which

Digitized by Google

disturbs our rest. For ourselves, for others—and happily it is impossible for us to protect ourselves without caring for the less favoured of the community—we are in this, as indeed in all things, if we would but see rightly, intimately bound up together with the poorest, the most afflicted and the most depraved of our fellow subjects. To elevate ourselves, we must care for these. Their crimes and their ignorance are our own. Their health is of us, their condition reacts upon ours, and in caring for them, in attempting to guard ourselves from injury, we protect first their interests, that ours may be protected, and in helping to provide them with the three requisites of public health—food, shelter, and clothing—we effectuate the very first requirements of self-preservation. As there is no ray of sunshine falling on any surface which does not leave ineffaceable traces of its presence, there is not, and cannot be, in the poorest hovel in our midst one case of disease or death, as there cannot be one crime, which does not affect us through the medium of our persons or our property.

These doctrines, like some others, have not commanded universal assent, and the position of those who differ from them is such as to command for their opinions the most profound respect. It is endeavoured to be proved by statistics that the rate of mortality of the people has not decreased since the time when great public works of town improvement, of sewerage, and of water supply have been commenced and executed, while rather inconsistently the same persons allege that the increase in the numbers of the population threatens entirely to overwhelm our Empire and to produce the most disastrous results. Your most distinguished townsman, the late Dr. Rumsey, whose unwearied labours in the public weal, and whose eminent services in the cause of sanitary progress, and constant endeavours to promote the welfare of the people, have ensured for him a national recognition, has said in his book on some fallacies of statistics, 'that indiscriminate appeals so often made to the rates of mortality threaten to become a public nuisance.' There can be no doubt that figures require much care in their application, and it has been alleged with justice that they may be made to prove anything, and I certainly do not intend to weary you by reciting long tables of statistics or pages of returns which it would be impossible to follow when read in a public address, and which, to be rightly appreciated, require annotations and explanations at every step. It will suffice to quote to you one extract from the ninth report of the medical officer of the Privy Council, from which it will be seen what have

Digitized by Google

been the results of sanitary works executed in the towns named.

	Population in 1861	Average mortality per 1,000 before construction of works	Average mortality since completion of works	Saving of Life per cent.	Reduction of Typhoid Fever rate per cent.	Reduction in rate of Phthisis per cent.
Banbury . .	10,238	23·4	20·5	12½	48	41
Cardiff . .	32,954	33·2	22·6	32	40	17
Croydon . .	30,229	23·7	18·6	22	63	17
Dover . . .	23,108	22·6	20·9	7	36	20
Ely . . .	7,847	23·9	20·5	14	56	47
Leicester . .	68,056	26·4	25·2	4½	48	32
Macclesfield . .	27,475	29·8	23·7	20	48	31
Merthyr . .	52,778	33·2	26·2	18	60	11
Newport . .	24,756	31·8	21 6	32	36	32
Rugby. . .	7,819	19·1	18·6	2½	10	43
Salisbury . .	9,030	27·5	21·9	20	75	49
Warwick . .	10,570	22·7	21·0	7½	52	19

This table cannot be too carefully studied. It may be called typical, and shows clearly by the great reduction of mortality in some places where the antecedent mortality was greatest, how much and how little may be done or expected by sanitary works, and how closely, circumstances being the same, the same improvement in other districts may surely be reckoned on, after judicious expenditure in permanent works.

To take the rate of mortality over the whole of England and Wales for any period, and to compare it with any other period, it is not sufficient to consider the mere number of the ratio of deaths to population. This is most misleading, and the only sure test is to compare, with all the difficulties attendant upon such comparison, the census of various periods as guides to help us in our estimate of the public health. It is strange that if sanitary works have been in this view of no utility in diminishing mortality, the period of continued increase of the population should date from the time when they were for the first time in the history of this country really commenced to be executed in a scientific manner—when for the first time the houses of the people began to receive attention, and when for the first time fresh and pure water was brought within reach of the working population of our country. Taking calculations based, it is acknowledged, on imperfect

Digitized by Google

data, we find that in the middle of the seventeenth century the population of England and Wales was something less than five and a half millions, a whole century having only added half a million to the numbers of the people; the next century probably added a million, and in 1801, the date of the first census, their numbers were ascertained to be 8,892,536, or an increase of very nearly two and a half millions in 50 years. But during the present century the increase has amounted to an annual percentage of nearly 1·35, and although during the last 35 years this percentage has diminished, the total number of the population may now be estimated at nearly 25 millions, it being at the census of 1871, 24,244,010. But by what appears to be a strange inconsistency in the argument, the distinguished statist, speaking from the position I have the honour to-day to occupy, looks with the gravest apprehension on the present rate of increase of the people of England, and fears, if he does not predict, the direst results to our commercial supremacy from this cause. He says that at the present rate of increase, at the end of the fifth generation the population of England and Wales would amount at the least to 400 millions, and at the end of the seventh generation to more than the world now contains, and at the end of the twentieth generation to more than fifteen such worlds would contain, each as densely populated as our world is at present. He further says that we rejoice fatuously in singing pæans in praise of the increasing strength and prosperity of the nation—which must inevitably produce its own destruction—and as a cure recommends the wise application of Malthusian remedies to prevent an otherwise inevitable downfall. How happy it is for the well-being of the world that in the ages past men have been so regardless of the maxims of public health; otherwise, instead of, as now, only one-fifth or one-sixth of the world being occupied, its limits would long ago have been found too straight for the ever-increasing numbers of men, women, and children, who would have found no means of existence, and must inevitably have miserably perished, and thus have kept up the balance of population to area. In this case the foolishness of the foolish has, according to this estimate, been of more value and avail than the wisdom of the wise.

But other eminent writers on sociology have asked, Why by sanitary means strive to preserve the lives of the diseased and helpless?—are you not by so doing weakening instead of strengthening the people? Are you not providing objects of charity and examples of degeneration rather than pillars of

Digitized by Google

strength and helps to progress? Are you not degrading the race by retaining what is effete and ready to perish? Should we not in every way be the better when allowing the natural law of selection to act without interference, rejecting the least fit for the struggles of life and death, and keeping the robust and the active to afford their help to the general community? I have elsewhere endeavoured to demonstrate the falsity of this objection, and to show that it proceeds upon an entire misapprehension of sanitary work. It is quite true that the saving of human life is one of its effects; but it is only one consequence. It is not the sum of its efforts. 'The strength of a people does not depend on the absolute number of its population, but on the relative number of those who are of the age and strength for labour.' As in nature, chemical decomposition is ever warring against vital action, so under present conditions there are causes of disease present amongst us, around us, and often within us, which, assailing and seeking a weak point in our armour of defence, can only be withstood while we can maintain such resistance as is more powerful than the attack. It is the very young or the very aged, the intemperate, those exhausted by toil or by mental effort, who give way. Disease always begins where resistance ends, and those are the most incapable of resistance whose vital force is from any cause weakened or destroyed. Were it not so, the causes which produce disease in one member of a household would be equally potent to overcome all, and all would suffer. That there are favouring conditions in some persons more than others to attacks of epidemic disease is seen in the different ways in which the poison, whatever it may be, of eruptive fevers, attacks various members of a family, several passing through the ordeal of an attack of scarlet fever or measles with comparatively little disturbance of the general health, or altogether escaping attack, while the intensity of the poison seems concentrated on one individual, upon whom in a few hours it proves fatal. The whole object of sanitary regulation is so to increase the resistile power as to incase the body in that which shall be proof against attack. To supply this, we try to provide those great essentials of strength, pure air and pure water. If under ordinary circumstances resistile power be numbered as being possessed by individuals in what I may call arithmetical progression, one person may be registered as having 10 degrees of such power, another 9, another 8, 7, and so on to 3, 2, and 1; and if in the same way we say that, under ordinary circumstances, all persons having less than 5 degrees of power to resist disease will die before attaining twenty-one years

Digitized by Google

of age, then further it may be said that if all our population were classed under these divisions in equal numbers, one half only of those born would survive the indicated period. If, then, our whole efforts were directed to save those 5-10ths of the population, the objections I have noted as to weakening the strength of the people by retaining the worst part with the best might be well founded, but this is an entire misapprehension. Sanitary effort affects the comparatively strong equally with the comparatively weak; it makes that stronger which was already strong, and takes away some of the weakness from those heretofore weak. It adds to all what, for purposes of illustration, may be called one degree of resistile power—hence the previous possessor of 10 degrees of vitality, under better sanitary conditions acquires a force of 11, and so on through the whole scale. The man or woman who, with 5 degrees of health, would have been unable to cope with an attack of preventible disease has now, registering 6 degrees, sufficient power to resist the attack. Hence one out of the five who would otherwise have succumbed is saved, and every one is marked one degree higher on the dial of health, strength, and longevity. Every effort to provide better house-accommodation, to sewer dwellings, to bring fresh air to a community, and copious supplies of pure water, places a mark on the population which you may read as though plainly stamped on their countenances. Better, taller, and stronger forms, brighter faces, clearer complexions are the tokens of this change. The practised sanitarian, in entering any town, whether it be at home or anywhere on the continent of Europe, could at once, by scanning the countenances and marking the stature of the people met with in the public ways, accurately gauge the sanitary condition of their houses and their streets. It is also notorious that in every community the death rate and therefore the sickness rate (although about this we know much less than we ought, owing to there being, as yet, no attempt to secure registration of sickness) vary in every place according to the attention paid to sanitary requirements; and anyone who will carefully study the localities of deaths in any town of considerable size, would be able to map out at least three zones in which the mortality would be somewhere in the proportion of 1, 2, 3. That is, where the rich live and where every sanitary requirement is provided, there will be only one death to every two in parts in which less perfect attention has been paid to the means necessary to secure public health, while in quarters of the town inhabited by the working classes, densely crowded together in their habitations, without proper water supply and

Digitized by Google

other accommodation, three times the number of deaths are recorded. But with all this the question recurs, To what is the great increase in our population in the present century to be attributed? Is it to immigration from other countries attracted by our great prosperity, by persons wishing to share with us in our goods? Against these arrivals of foreigners, however numerous amongst us, we may set off what we have done in colonising from our midst a fifth quarter of the globe. And now that we have increased and are increasing at such a rate as in the opinion of those we have quoted threatens our prosperity, are we with our increased numbers weaker, less manful, more prone to disease, less able to make our way against a world in arms? This has never been alleged—it is, too, opposed to fact: but all that threatens us is our greatest boast, namely our insular position and confined area, which makes us dependent on other countries for much of our food, and the fear lest, our maritime superiority not being maintained, we shall perish with hunger. I leave to other and more skilful writers, who are thoroughly competent to the task, to dissipate fear in this view of the probable decadence of our country's greatness.

Following in the wake of curative medicine, and as almost a necessary condition of its progress, and of the increased knowledge obtained of the causation and communication of diseases, preventive medicine half a century ago started into new life and vigour. Public attention became directed by earnest workers in the public weal to the necessity for action; and many communities obtained special Acts of Parliament for town improvements. Experience began to be acquired of what was necessary; and in 1847 Acts were passed consolidating in the Towns Police and Towns Improvement Clauses Acts those provisions which had been found to be most generally essential to proper provision for the wants of the people. At this time commenced that beneficial legislation which, although still imperfect, has gone on improving up to the present year in order to meet the exigencies of our position. Up to, and even after, the date to which I have alluded as the commencement of more general improvement, houses were built back to back, without the slightest attempt at ventilation. Blind alleys and stifling courts existed at every turn, and squalid children dabbled in the foul mud of their unpaved surfaces. There was no subsoil drainage—a privy with a cesspool was a common appendage to a dwelling house, if of sufficient rental value; in numberless instances even this convenience was wanting, and the surface of the streets became the receptacle

Digitized by Google

of every kind of ordure; and when cesspools became full, and it was ncessary to get rid of accumulated fæcal matter, either they were emptied in what I may, to borrow the significance of a word from the French language, call a brutal manner, or cesspits were dug in any piece of ground attached to the house, and the contents of the cesspool either turned in or thrown in, and the surface replaced. Wells for drinking-water were, in almost every case, close to these abominations. These were highly valued in proportion to their noxious qualities, for they produced cold, brilliant, sparkling, but highly poisonous, water. Engaged some time ago in a Government inquiry, I inspected the water supply of the district; and in the course of my domiciliary visits, called at a beer-house to inquire what water they obtained. For use in their trade they were content with the well in their own backyard, but for themselves they paid a messenger to fetch water from a well at some little distance, which, when seen, was found to be closely surrounded by pigstyes, cesspools, and stables, with heaps of manure close to its mouth, producing exquisitely cool and bright water, but loaded with animal matter at any moment likely to become deadly in its effects. The condition of our towns and cities of to-day cannot be compared with that of thirty years ago. We have systems of sewerage, subsoil drainage, expensive water supplies, effective lighting, all refuse is quickly removed from our streets and houses, streets are widened, almost all are thoroughfares, and densely crowded districts are thrown open to the influence of light and air. But much remains to be done. A great portion of the sanitary legislation of the past thirty years was permissive. This part was an entire failure, while it must not be forgotten on the other hand that, to succeed in its objects, compulsory legislation requires to be applied with the greatest care and the most delicate hand—that it may not create even greater evils than those which it seeks to remove. No legislation, especially that which has to deal with the home life of the English people, can hope to accomplish its objects if it be far in advance of their convictions. It is hard to persuade an ignorant man that he may not do as he likes with his own; and there is a fixed idea that the law recognises as a fact that an Englishman's house is his castle: not to be entered, or in any way interfered with. Laws which, with adequate sanctions, are intended fully to protect life and property, give rude blows to these ideas, and are eminently distasteful to those who wish to be content with old forms and old habits. It is difficult to receive as truth that the dearest possession of a man, his life, is the property of the State, and although no means of

Digitized by Google

punishment have been devised which can reach the suicide, yet the law rightly punishes the person who is unsuccessful in the attempt upon his own life. For every man in the community, as a unit making up its strength, belongs to it, and he must so use himself and his possessions as in the use not to injure others. It is to carry out this idea of the functions of law that we have Nuisances Removal and Diseases Prevention Acts. Among the most fatal and distressing of diseases the exact nature of which science has not yet determined is diphtheria. There never was a case of this disease, unless communicated directly from person to person, the cause of which could not be traced to foul drains or ditches. The law insists, then, and most properly, that the owner of land upon which such engines of destruction exist, shall not endanger the life of himself, his family, or his neighbours, by allowing their continuance; it enforces their removal, and in default, itself enters upon the property and does the necessary work. The Public Health Act punishes the exposure of persons suffering from infectious disease. A young girl, a domestic servant, in the West Kent sanitary district, a few months ago, returned home ill from her situation. The next day she had developed small-pox. Putting a veil over her face, she proceeded in an omnibus to the small-pox hospital at Hampstead. A young girl who sat next her in the omnibus at once took the infection, went home, sickened, and died. Does not the law rightly punish so wanton a crime?—and who can predicate the effects resulting from one such exposure? And yet there are those who murmur at and condemn the law which applies measures of prevention to stamp out disease. To defend such acts is to say that because the greater number will escape injury, there can be no harm in discharging firearms, or throwing a live shell, into the midst of a teeming crowd of people. So the law closes wells which are proved to be polluted, and prohibits the use of dwellings unfit for human habitation, and prevents overcrowding in dwellings, inspects common lodging-houses, and regulates their use, and prohibits the doing of or leaving undone any act which, resulting in a nuisance, would tend to injure the public health; it inspects food and drugs, and prevents their adulteration, and does numberless other acts which are protective to life. But the law has gone much farther than this in enacting provisions for compulsory vaccination. In all the cases to which I have referred, if the law provides punishment, it is because, in relation to property, there is an act done or left undone clearly tending to the injury of the State. Here the law says: you shall do something to the person of your child to prevent injury to itself

Digitized by Google

or to others; and it punishes neglect by fine or imprisonment. To be entirely logical, the State should, upon default, vaccinate the child by its officers, but public opinion would not support this, and it is only through the steady conviction in the public mind that a child unvaccinated is a standing menace to the community that this excessive interference with personal liberty, the greatest which I know of in the course of our jurisprudence, could be maintained and approved.

The true secret, as it would appear, of the great improvement in our sanitary condition is the providing of purer air than heretofore in our dwellings. Pure water is a necessary of life which cannot be neglected without entailing disease and death, but it sinks into absolute insignificance as compared with air. By drinking water into which the germs of disease, if there be such—for they have never yet been demonstrated—or to speak more plainly, water into which the alvine discharges of persons suffering from typhoid fever, cholera, and the like diseases have found their way, we undoubtedly may, and often do, produce disease; but all this is as nothing compared with the steady detriment to health and strength by breathing, that is drinking in, impure air. Some persons never drink any water, many only drink it in beer; others when it has been boiled for tea or coffee, or the like drinks; and a very small quantity would form the sum total of every person's daily consumption as drink. But we drink in air at every instant, twenty times a minute we are taking in, and bringing the draught into the most intimate relation with our most vital organs, and the smallest intermission in the supply from any obstacle to its entrance into our lungs is fatal. What a miraculous process going on night and day without an instant's cessation, and capable of being continued for more than a hundred years without wear or tear of the organs of transmission! It is said that in London, the healthiest city in the world, the only really healthy person is the butcher boy, with uncovered head and well-oiled locks, floating about in the breeze as he, astride on his pony, rushes through the streets. And yet this atmosphere is a mass of impurity, every person pours out no less than half a pound of carbon each day into the air we breathe, and what we expire is incapable of supporting combustion, and therefore as a sure rule incapable of supporting life. And what other mixtures there are in our great city polluting the air—smoke and vapour and all kinds of vegetable spores, and animal germs!—for wherever we go and examine the air, on our clothes, our furniture, our walls, everywhere are to be found evidences of animal pollution, and nowhere can we test the atmosphere we

Digitized by Google

breathe and find it free from the presence of ammonia, one of the deadly products of decomposition. Refuse of every description is disclosed to us by transmitting the electric ray through the atmosphere of the rooms we inhabit, and yet so grand is the vital power that of all admitted into our lungs it chooses the good and discards the evil. But to revert to our butcher boy, it may be said if the atmosphere be so bad, then he who has the least of it is the best off, and your interesting example should be of all others the least healthy. But all this pollution of the air is happily avoided by the grand law of diffusion of gases, which is always in action, bringing down a purer supply from the great reservoir of pure air above for our use. It is stagnant air that is so dangerous, air out of which, by the processes of life, akin to combustion, we have burnt out the vital principle. It is what we have taken away, more than what we supply, although that is eminently poisonous, that gives to the breathed air its deadly character. To see this in its intensity, we should study the condition of the peasantry of Switzerland, and of the valleys of North Italy, and see how on the women and children the vitiated air, in which owing to the construction of their dwellings they for many months live, produces its disastrous effects. I passed in the streets of Marseilles a few weeks ago a man whose face disclosed the tale of his life. Its yellow anemic colour told the practised eye of years of work in dark and hot mines at great depths, where imperfect ventilation and absence of light produces entire etiolation. The blood becomes of a tawny yellow colour in those suffering from the diseases incident to such mining employment. If you wish to demonstrate to yourselves the enormous influence on life of fresh air, whether it be on animal or vegetable life—and the relations of the two are most intimate—take a plant of some semi-hardy fern from your greenhouse, place it on a table in the full light, and where from the open window it may be daily reached by currents of air, and at the same time place another similar fern a yard away, out of the direct light and in the still air of the room you inhabit. In a few weeks, while the one exposed will be fresh, green, and in full vigour, the sheltered one will be brown, withered, and if not dead, hopelessly enervated. This is what, in a lesser degree, happens to everyone who is poisoned or poisons himself or herself in the absence of constant change of the air breathed. It is this which insidiously preys upon health and which formerly was amongst ourselves, and now constantly is among other nations, the cause of deadly attacks of plague, typhus fever, and the like. It is but right that the law, by its strong arm of power, should prevent the mixing of noxious

Digitized by Google

vapours in the air—should prohibit the establishment amongst populations of trades from which emanate offensive and disgusting vapours—but the injury done by all these is not worth the mention beside the poison we create for each other where the atmosphere we breathe is not surely and constantly renewed. Those persons who spend eight to ten hours of each day in their sleeping apartments with doors and windows closed and no draughts allowed to enter by the chimney attached to the fireplace, are engaged in a work of self-poisoning, and are slowly but surely undermining their vital force and power, and when exposed to infection will be found unable to resist the advent of disease. These are elementary truths, and if we are really earnest and anxious in our professed object, the promotion of social science, we shall use every opportunity to force them on public attention and to ensure their adoption by all alike, for to all they are matters of life and death. The rich, who have spent large sums in extensive works of drainage and water supply to their mansions, require as much as the poor to learn for themselves upon what their safety depends. I was lately a visitor at a palatial hotel, standing in its own extensive and beautiful grounds, and claiming to be a health resort for those whose business avocations when in need of relaxation and change of air and scene, keep them of necessity close to town. The manager assured an anxious enquirer, who with his family was about to take up his residence there for some weeks, that the drainage was perfect, and that complete ventilation of the sewers existed, by special pipes conveying any foul gas generated within them to the top of the house. Upon walking through the corridors of the house one became sensible of an indefinable faint, close feeling—it could hardly be called a smell—which indicated that there was some defect in ventilation which did not allow the air to be changed sufficiently often. Upon entering any of the retiring rooms and lifting the handle of the lever which discharged the contents of the pan of the closet, a puff of sewer gas was at once distinctly perceptible. And this is the condition of a vast number of the best houses in our metropolis, in cities and in towns, and in hotels at seaside places, upon which large sums of money have been expended to perfect their sanitary condition. There is no security that any such should not have typhoid fever in their midst, unless all direct communication with main sewers is avoided. Water carriage of sewage is the greatest sanitary boon ever conferred on a community, and if sewers were always properly constructed and laid, if they never became sewers of deposit, if their contents were rapidly discharged, if they were always ventilated,

Digitized by Google

and if the contained sewage were within four hours from its entering the sewer conveyed to land and there nitrified and its noxious powers destroyed by being brought into connection with the oxygen of the air as found in the pores of earth—whatever process be adopted, whether chemical, mechanical, or vital, or a combination of the whole, with all these 'ifs' always perfect—then our care might not be required; but if we would prevent our houses from being fever traps through our own sanitary works, if we would not have our costly works of safety become the means of our own destruction, we must effectually cut off all connection between our houses and main sewers and prevent the possibility of the products of decomposition and putrefaction of the contents of these sewers from entering our dwellings. It is here that disinfectants so called are worse than useless—by masking they intensify our danger. I well remember when sulphurous acid gas was vaunted as the sure preventive of cholera, but my belief in the use of such preventives of disease received its *coup de grâce* in one of the epidemics of cholera, specially virulent in some parts of South Wales, when a row of houses close to the smelting furnaces of one of the great copper works of the district was most severely visited, every house having its victims, while, owing to the direction of the wind during the whole period, these premises were enveloped in a dense cloud of sulphurous acid gas. Nothing is so dangerous as to assume in these matters knowledge we do not possess. We must earnestly work and enquire, and be prepared to give up, as occasion and truth may demand, our most pet theories. We know at present nothing of the absolute cause of typhoid fever, diphtheria, or cholera—it may be by germs, or it may not—but we have the most valuable practical information by the use of which we may avoid the incidence and spread of these diseases. We can isolate scarlet fever and small-pox, and absolutely prevent their spread. We can assure the friends of those suffering from typhoid fever that there is no danger to them in their attention to the sick, and at every turn we have acquired knowledge tending to improve the general health. This knowledge, often sneered at as that of specialists, doctrinaires, and the like, has affected public opinion and led to the adoption of laws by the Legislature and the execution of works by public authorities, which have changed our lives, improved the status and appearance of the people, and which, still in progress, are daily conferring blessings on hundreds of thousands of our toiling countrymen. But we are still far from perfection, and I wish shortly to point out how in my opinion further changes in our sanitary laws may beneficially influence the future of our country.

Digitized by Google

It is one of our happy beliefs, that all who have to obey the law are cognisant of its provisions, of what it enjoins, and of what it prohibits, and it is no excuse for disobedience that the wrong-doer is ignorant and unconscious of offence. This is wise, and it would be impossible without such an assumption to secure any protection to life or property, but it surely behoves those upon whom the responsibility rests of legislating for our governance to take care that the law upon any given subject should be capable of being clearly understood and easily acted upon. It is to the credit of this Association that mainly through its exertions the confused and unshapely heap of what was called sanitary law has been reduced into due proportions and moderate compass. Most persistently did this Association represent to successive Governments the anomaly and disgrace of retaining in the Statute Book conflicting enactments, which defied the acumen of the Bench to reconcile or construe. Beginning with the Towns Improvement and Towns Police Clauses Acts, and followed by the Public Health Act of 1848, Nuisances Removal and Diseases Prevention Acts were successively passed. Then came the Local Government Act of 1858, Sewage Utilisation and Sanitary Acts, of which one was usually added every session to the already unwieldy mass of legislation. Is it any wonder that sanitary authorities were often in the wrong in attempting to do that which the most learned lawyers failed to accomplish, or that such a state of doubt and uncertainty with respect to the law should have seriously impaired the progress of sanitary reform, to which more than at any previous time public attention was anxiously directed? This Association succeeded in inducing the Government of the day to appoint the Royal Sanitary Commission of 1869, and as a first requisite urged a consolidation of the Public Health Statutes. This was accomplished by the Public Health Act of 1872, and more perfectly by the Public Health Act of 1875, a statute which, whatever may be its defects, is clearly drawn and embodies in itself the law on sanitary matters, and applies to all the country with the exceptions which will be presently noticed. It is to be regretted that this Act has been amended by the Public Health Act of 1878; not that the amendment may not be in itself good and called for, but I very strongly hold to the opinion which I have before frequently expressed that where a general Act is altered or amended, the statute so amended should be repealed, and the amendments incorporated into a new general Act, so that there should always be but one Public Health Act; and that those to whom is entrusted the difficult duty of enforcing the law and carrying

Digitized by Google

out its provisions should always in one statute have before them a clear guide in the discharge of their duty. It is owing to neglect in the mode of amending statutes, by constantly adding new laws, leaving the old in force, that there grows up an incongruous aggregate of statute law, the various parts of which it becomes difficult, if not impossible, to reconcile.

I hold that there should be attached to Parliament an official draftsman, whose duty it would be, when the principle of any amendments and clauses embodying the same had been carried, to strike out of the Act to be amended any conflicting matter, and to embody the new provisions in the original Act, and that the Act thus amended should, so far only as these alterations and amendments were concerned, be brought before the Legislature for final approval. Experience is continually disclosing to us failures or omissions in our enactments, and if to amend these we are to have year by year a new statute, we shall soon arrive at the former state of confusion and discredit, from which, at least for the present, we are happily free. We may hope, too, for our metropolis, so huge and so constantly augmenting, that at an early period there may be devised an amended and consolidated code; for, besides that the law of metropolitan management is spread over many statutes, there are matters of serious import as affecting the public health calling for alteration and attention. Mainly through the state of the law, which has been described, another difficulty has arisen, which is much to be regretted, and which will largely interfere in the future with a national system of health protection. I allude to the great number of private Improvement Acts under which local government is administered in our cities and towns, so that in no two great centres of population in our country can it be said that the law is exactly alike; and a householder removing from one district to another may find himself liable to legal proceedings for acts which in his last domicile were beyond the cognisance of the law. I shall have to point out how, in another way, these private Acts prejudicially affect general interests. Suffice it at present to say that general uniformity of the law is much to be desired; bye-laws on important matters, such as the building, drainage, and ventilation of houses and the formation of streets, are to be deprecated, and the provisions usually inserted in bye-laws should form part of any general statute, and should only be special in those matters which local peculiarities rendered essential. Were this to be accomplished there are but few alterations in the law which experience has shown to be desirable; and with the modifications in administration to be

Digitized by Google

hereafter noticed, there is ample power lodged in sanitary authorities, except in a few minor matters, efficiently to conserve the interests of the various districts entrusted to their care. These districts comprise the whole of England, and happily, now, no place is left without sanitary guidance and control. But the distinction made between rural and urban districts cannot be said to work well for the public interest. Neither has any reason ever been adduced for any difference in the law which should equally affect town and country. Disguise it as we may, the one consideration to which all matters affecting local government is to be brought is a money one; and the incidence and amount of taxation must, for at least some time to come, be a prime factor in our calculations. Houses in the country ought to be no more independent of sanitary regulations than houses in towns. Neglect and ignorance will lead to the same fatal issues in the one as in the other, and in both there is the same tendency in owners and builders to avoid pecuniary obligations, and to escape supervision and control. The consequences of the present state of the law is to be seen in most of our great towns. Urban sanitary authorities have power to prescribe the width, direction, gradients, sewerage, lighting, and materials of new streets. They control the height, position, ventilation and drainage of new buildings, and act as surveyors of highways. These powers are denied to rural sanitary authorities. Hence immediately adjoining the boundaries of towns, not separate from them, but often on the other sides of streets which form their boundaries, there have been and are daily springing up new towns, built without method and irrespective of anything but the fancies of their projectors and their desire to avoid expense, giving and to give the present and the next generation exactly the same amount of trouble which we now have with the streets and houses of past times. The genius of one of our members, a past president of the section of Health, has painted for us in glowing, almost in fairy colours, the creation of a city of health, as a thing of beauty and a joy for ever. If his imagination, so skilfully transmitted to paper, could but be actually transferred to the solid earth, our bodily ills would be almost forgotten, and prolonged lives would almost attest the truth of the philosopher's famous *aurum potabile*. But we have to do with sterner matters. We cannot destroy to recreate. We have to find remedies for past neglect and past selfishness, and how to alleviate or prevent present misery, disease and death. How difficult this is no one can know but those whose duty it is to deal with the sufferings of humanity as it shows itself in the

Digitized by Google

alleys, courts, and slums of densely-peopled districts. Daily we deplore our comparative helplessness to grapple with these legacies of degradation. At least, we can prevent their increase. To do this, all distinctions between town and country must be swept away. The absurd boundaries of districts, of towns, and even of counties, must be remodelled, not to suit antiquated ideas or sentimental distinctions, but to allow our increased knowledge of the value of human life, and of the means to be taken to protect it, to be fully and fairly exercised. Communities feel deeply, and strive to avoid the growing up of new neglected suburbs to their towns, where sanitary regulations are entirely set at naught, where towers of Babel are erected, and offensive trades are established and carried on with impunity, where streams which form boundaries are used as common sewers, and where, owing to different jurisdictions, it is often found practically impossible to apply a remedy; where platforms of railway stations are half in one district and half in another, and it becomes a work of skill to settle upon the proper mode and proper person to arrest a pickpocket.[1]

[1] *Distinctions as to Powers between Urban and Rural Sanitary Authorities under 'The Public Health Act*, 1875.'—Urban Authorities, by the following sections, can exercise the accompanying powers, which are not conferred upon Rural Authorities:—10. Artisans and Labourers Dwellings Act. Labouring Classes Lodging Houses Act. Baths and Washhouses Acts.—20. May make map of sewers in the district.—25. May inflict penalty for building house without drains.—26. May inflict penalty for building over sewers. May inflict penalty for building, constructing, vault or cellar under carriage-way.—39. May provide public urinals, &c.—44. May make bye-laws for prevention of nuisances arising from snow, filth, &c. For prevention of the keeping of animals so as to be injurious to health.—45. May provide receptacles for deposit of rubbish.—47. May inflict penalty for keeping swine or a pigstye in a dwelling-house, so as to be injurious to health. May inflict penalty for keeping stagnant water in dwelling-house. May inflict penalty for allowing contents of water-closet, &c., to overflow. Power to abate these nuisances and recover expenses in a summary manner.—49. May prohibit accumulation of manure, filth, &c.—50. May direct periodical removal of manure, &c., and recover penalties in default.—66. May provide fire-plugs for assistance in case of fire.—112. May prohibit establishment of offensive trades.—113. May make bye-laws as to offensive trades.—114 and 115. Have control over candle-houses, &c., within or without their district.—144. Made surveyors of highways.—146. May agree as to making of new public roads.—147. May construct or adopt public bridges.—148. May enter into agreement with turnpike trustees for repairing of roads.—149. All streets being highways vested in.—154. May purchase premises for improving streets.—157. May make bye-laws regulating all matters connected with new streets. May make bye-laws regulating all matters connected with new buildings. May make bye-laws regulating all matters connected with ventilation of buildings. May make bye-laws regulating all matters connected with drainage of buildings.—161. May contract for lighting district with gas. May supply gas.—162. May purchase gas undertakings.—164. May purchase, take, and regulate public pleasure-grounds.—165. May provide public clocks.—166. May provide or purchase public markets.—169. May provide public slaughter-houses.—171. Provisions of Towns Police Clauses Act Incorporated. Provisions of towns as to obstructions and nuisances in streets. Provisions of towns as to fires. Provisions of towns as to places of public resort. Provisions of towns as to hackney carriages.

Digitized by Google

There is no Session of Parliament in which bills are not introduced and promoted by public bodies, to alter the boundaries of boroughs in order to avoid this state of things, a direct outcome of the existing public health statutes. Everyone acquainted with private bill legislation will know how extremely difficult it is to carry such measures; the opposition of persons interested in property, and who would by what is proposed to be done be subjected to heavier burdens in the shape of local taxation, proving powerful enough in almost every case to defeat proposed extensions by which these portions of rural districts are sought to be brought under urban regulations. A reconstitution of the boundaries of districts within which sanitary authorities exercise control is the first requisite to ensure a thorough amendment of the public health.

What is most urgently wanted is the appointment of a small commission to enquire into and report to the Government upon the boundaries and conditions of the various districts in England and Wales, and to recommend such readjustment as would allow the whole country, when subdivided according to local exigencies and physical position, to be governed by uniform sanitary laws. This would entail a further change of equal importance, and it is believed of even greater utility, the reconstitution of local authorities. That something is needed in this direction is evidenced by the introduction by the Government of the County Administration Bill during the last session of Parliament. To anyone who wishes well to his country it must be a matter of supreme moment to support with all his power the efficiency and independence of local government. It should be a part of our earnest work to make every man feel that in this he had his share, and that in the measure of his influence he was responsible for its success. Upon its maintenance depends the stability of our institutions and the force of our national character. Whatever therefore tends to its improvement must be of the highest national import. We at the present time fritter away our energies in the subdivision of our local bodies for purposes of local government. We have town councils, local boards of health, improvement, drainage, and other commissions, boards of guardians, highway boards, burial boards, vestries, and the like, all discharging functions closely akin to each other, with various staffs and offices, with different officers collecting different rates, and often clashing in the rates fulfilled and the jurisdic-

Provisions of towns as to public bathing.—172. May make bye-laws for licensing horses, boats, &c., for hire.

Digitized by Google

tions exercised. To amalgamate these into one body, discharging all functions of municipal government within the newly constituted districts before sketched out, would be to constitute a local parliament of the first instance of high importance, which would attach to itself the best ability and highest character of the district, and would not only by its efficiency, but also by the economy resulting from an amalgamation of duties, officials and offices, produce an amount of good which under our present system or want of system is quite unattainable. Within the district of the county, in order to secure county administration, to manage county buildings, to execute joint works, to act as a board of control or appeal, or to conduct joint enterprises, a representative county board would be required. The chairmen of all the district boards, joined to an equal representation of great owners of property within the county, chosen by direct voting of such owners would secure a county board of the highest order; and while, on the one hand, there would be lodged in them power to prevent hardships to individuals, there should be also power to determine on and correct neglect of district sanitary authorities in executing sanitary works required in any district within the limits of their county administration. Even wider powers and a board of larger area of representation would be necessary in order to secure an object of national importance—the conservation of our rivers. Here again we are met with the consequences of our own neglect. When cesspools, close to human habitations, for the reception of sewage, were abolished, to the infinite advantage of the inhabitants, then, with a total disregard of consequences, our rivers and watercourses, through the length and breadth of the land, became converted into open receptacles of fæcal matter, with results which were inevitable from such disastrous misuse. Manufactories built along their course, and using their waters for various purposes, added largely to this impurity, until it became so urgent to take steps in the public interest to avert, or at least limit, what was already a calamity, and threatened to provoke a national disaster, that the Rivers Pollution Prevention Act of 1871 was passed, which prohibited the passing of any solid matter or sewage into streams and rivers. It is as yet too soon to predicate the results of this measure, but its remedies require to be applied with a firm yet gentle hand, for the issues involved, so far as mercantile interests are concerned, are momentous, and peremptorily to deal with, and all at once to entirely prevent what we have long—by sufferance—allowed, would be in any case to paralyse

Digitized by Google

industry, and to defeat instead of promoting our objects, by entailing wide-spread distress and perhaps ruin, with consequent famine and death upon our working populations. But surely in no case should sewage from inhabited dwellings be permitted, unchecked and unpurified, to flow into our water-courses as though they were the natural outlets and outfalls for systems of sewerage. By chemical deposition, by irrigation and filtration, we have sure means of so depositing and subsequently oxidising the putrescible matter contained in sewage that the evil results of its presence may be entirely removed. It is an outcry which, by overstatement, tends to deceive, and therefore to defeat this object, that any admission of sewage into rivers produces disease. There can be no doubt in the minds of candid enquirers that water containing sewage and mixing with the water obtained from wells is productive of disease; but, on the contrary, sewage matter is so easily destroyed and oxidised, that received into a large volume of running water it speedily vanishes, and the minutest analysis of the most experienced chemist fails to furnish the smallest trace of its presence. Neither, at present, has the microscope given any indication by which we can detect it. No observer has as yet been enabled to say when, five miles up a river, a quantity of sewage equal to one hundredth part of its volume had been received and mixed with its waters, that at the end of that distance down the stream science could demonstrate its presence. It is said by those who hold strong views on this question of previous sewage contamination, that a broad distinction is to be drawn between healthy and unhealthy sewage, and that while water containing the former may be drunk with impunity, that there is no river in England long enough to destroy the evil influence of an admixture of the smallest quantity of the excreta of persons suffering from enteric disease with its waters. There is no evidence to support this proposition. The germs of any disease such as typhoid fever and cholera have defied scientific investigation, and have not been demonstrated in any water, whether river water or well water, at any time. And moreover, were any such theory correct, it might fairly have been expected that during periods of epidemic visitation of cholera and other diseases of a like type, the disease would have proceeded down the rivers from their sources to the sea, of which there is not one single authenticated case; but the whole evidence tends to the conclusion that such epidemics have always travelled in exactly the opposite direction, namely, up stream, from the outfall of the river to its source.

Digitized by Google

But, apart from all disputes of a technical character, it may now be fairly taken for granted that the Legislature will not authorise the employment of river water receiving sewage above the intake of a water company as fit to be used for domestic supply. During the past session the Durham Water Company endeavoured to obtain statutory powers to supply the city of Durham and surrounding district with water taken from the River Wear. This river receives in its course the sewage of many thousands of the population. It was shown that the water had been supplied to the community for thirty years; that there was, during the whole of that period, an immunity from any invasion of epidemic disease within the district supplied by the company, that the water was colourless, of good taste, and chemically free from any trace of sewage; indeed, in some particulars, according to the adverse witnesses, suspiciously free from nitrates, the usual evidence of previous sewage contamination. But the Committee of the House of Lords, to whom the Bill had been referred, refused to sanction the use of this water. The town of Cheltenham, in the same way, during the past session, opposed the extension of the use of the River Severn, although the water company supplying Cheltenham supplied Tewkesbury, as was shown by evidence, with that water, without injury, and to the satisfaction of those using it. The Committee of the House of Commons, which had charge of the Bill, refused their sanction, and the water company, under these circumstances, parted with their undertaking to the Corporation, who will now have an opportunity of meeting what is the undoubted wish of the inhabitants of this town, that further supplies of water should be sought for in springs or streams far removed from suspicion of contamination. Rivers must at all times, in their course, receive pollution from manured fields and otherwise, and in the national interest, and looking at the water supply of the country as a great national question, their upland waters especially should be much more carefully conserved in the future than in the past. And although it may be impossible, under the varying circumstances under which water must be supplied, to carry out the idea of a national water supply, yet conservancy boards to utilise our water resources, whether as sources of power or as sources of supply, are urgently needed, and are alone competent to deal with the momentous questions which arise between landed proprietors whose lands must be kept from flooding, navigation and manufacturing interests, all often in conflict, and, above all, to ensure in the fullest possible manner full and pure supplies of water for domestic use. The further question

Digitized by Google

of the storage and supply of water to meet the famine too often deplorably present in mining and manufacturing rural districts, urgently requires examination at the hands of the Government through a Commission, whose duty it would be to report what steps should be taken to meet a want which painfully urges itself on the attention of all interested in such localities, which are at present left without adequate means at hand for its supply. The future and economical use of upland waters, and the future guardianship of watershed areas, where not already appropriated, are matters which conservancy boards may well undertake with more than local advantage to all concerned, while a more complete knowledge of the water-bearing strata of the country is a need which everyone who is interested in improving the water supply of the community has long and urgently felt.

No question affecting the administration of Public Health Law is of higher importance than the constitution of any central authority which is to regulate future action. At present the Local Government Board, which as such I believe never meets, consists practically of a president and his secretary, with a law adviser, and a staff of inspectors, and in effect this department of the State has hitherto exercised the government of a Board of Control. The Board has considered it to be its duty to occupy the position of an arbitrator between ratepayers and their authorities, giving or withholding consent to what was wished to be accomplished in alteration of boundaries, in executing improvements, and in carrying out the various purposes of the Sanitary Acts by the authorities charged with these and like duties. This is surely a very meagre and imperfect view of what a central authority might and ought to accomplish. I have long advocated the establishment of a Ministry of Health and Justice, and although the union of these functions under one minister is by some thinkers held to be fanciful, there are good reasons which may be given for their combination. What is advocated is not the creation of a new and additional ministry, but a reconstitution of the duties of departments already existing. The functions of a central authority, call it by what name you will, are now in the loosest manner spread over nearly every one of the Government offices in part fulfilled by the Local Government Board, others by the Board of Trade, the Registrar-General, the Privy Council and the Home Office. It cannot but lead to efficiency and economy to have all these centred in and discharged by one department of the State. In the education of the people, it will not be without avail in

Digitized by Google

order to show the importance attached to public health by those highest in the State, that a Cabinet Minister should be charged with its oversight. It is not sufficient that such an authority should content itself by merely pronouncing an authoritative judgment on what is proposed to be done in any locality. It should be the centre of action and of information, the support of every authority throughout the country, not derogating from or weakening local government, but assisting and developing it—ready at all times to further good schemes by counsel and doing, as it would well be able to do, much to remove the difficulties now inevitably arising in every locality which strives to emancipate itself from the consequences of past ignorance and neglect, and of past disregard of health laws. How much may be accomplished in this direction, what vast assistance might be given by intelligent guidance, counsel, and direction to inexperienced local authorities, only those who have known the struggles of conflicting authorities and jurisdictions, the uncertainties of the law, and the obstacles imposed by the selfish and the interested in maintaining the existing state of things without change, can accurately gauge. It is pitiful and it often verges on the ridiculous to read of the harassment of authorities in determining what system should be pursued to do what they desired for the public good, and more than painful to witness the greed of individuals to secure their own private interests at any cost to the health or life of others. All this must be known to fully appreciate how a central helping and counselling authority would be welcomed by those who have learned to look on the Board in London as another lion standing in the path and preventing onward progress. To further accomplish this progress a public medical service of officers of health of various grades should be constituted on a plan similar to that of the army and navy medical services. At present there is no registrable qualification for medical officers of health. No special training is required, and any medical man, however unused to the discharge of the duties which should devolve on a practitioner of preventive medicine, is competent, so far as law and custom is concerned, to discharge the duties of a medical officer of health. This must be so until there is a recognised standard of qualification; and no great advance can be made until all officers of health are debarred from engaging in private practice. For experience has shown that it is impossible that the full benefit of the services of these, the most important links in the chain of health protection, can be obtained until the co-operation of the whole medical profession has been secured in aid of the official duties of the medical officers of health.

Digitized by Google

The position of a medical practitioner is so peculiar that it cannot be expected that full information of infectious cases of disease in the earliest stages, and when preventive measures are most urgently called for, can ever be obtained except where there exist medical officials whose assistance may be sought and obtained with security against rivalry, and without fear of revolting the feelings of the parents and friends of the sick. We may not be able to secure a full registration of sickness, but it is essential to health-progress that there should be the earliest intimation of the occurrence of the first of that class of cases which rapidly spread from house to house, and to which, by the appliances of science, means of prevention may be easily and securely applied; and this can be only obtained by having in each district a highly and specially educated public medical servant, competent to deal with every difficulty, and whose assistance, instead of being feared and avoided as a probable rival, will be largely sought by the private medical practitioner as a counsellor and a friend. Our experience of the past must be much altered throughout the whole of our land before district authorities will be willing or indeed able to pay for the services of such invaluable protectors of public safety. It is essential that districts shall be of such size as will allow the payment in each zone of action of at least one health officer. And as what is local is often general, and it is impossible to limit the area which is advantaged; the full benefit of what is here advocated can only be obtained by the payment of a part of the cost of such services out of general taxation levied by Parliament. Indeed, such a class of men as is here indicated could never be contented unless their emoluments were placed above caprice, and unless in giving up private sources of emolument, their salaries were secured to them as is the case with members in other branches of the public service. It is from the services of highly educated public medical officers being secured to the State that we may anticipate with confidence, at an early date, the abolition of the cumbrous, antiquated, and inefficient procedure of the Coroner's Court. In every case of suspicion it would be the duty of the medical officer of health to examine into and to report upon the cause of death, and with the creation of public prosecutors, an office we may trust soon to see established, there would be a check upon crime and a certainty of its discovery and punishment, always its truest preventive, which the present system, or so-called system, entirely fails to provide. A highly trained mind, on the spot, accustomed to such inquiries, with all the materials at hand for investigation and discovery, would accomplish apparent wonders, and if

Digitized by Google

anything in the way of motive would act as a deterrent from crime, would supply the best in the terror of discovery. For to the ignorant and uneducated mind, the piecing together of portions of circumstantial evidence until the whole history of the crime is laid bare, often appears to border on the marvellous. Our present modes of proceeding furnish, at every turn, loopholes through which crime may pass away undiscovered or unpunished, unless the evidences are unmistakable, and even then numerous chances are against conviction. We call before the coroner, in some secluded place in the country, to give evidence as to the cause of death, the medical practitioner who has last seen and attended upon the deceased person in life. His evidence is valuable as to facts; but here is a man who, probably, for forty years since he left the medical schools, has had no occasion to study the complex problems of forensic medicine and medical jurisprudence. Can we be right in placing upon one so unprepared the responsibility of the issues of life and death? Is it not better for us to imitate the example of our continental neighbours, and be provided with experts whose whole life is employed in studies and duties akin to the matter they have to investigate, and who have at their disposal all the talent and experience of the day, and, when required in cases of doubt and difficulty, can call in the assistance of higher grades of officers, inspectors, or by whatever name they may pass, equally with themselves members of a public service of health, and attached to the ministry of health and justice, and ready to bring to bear the highest acumen and knowledge to solve those abstruse matters which constantly arise in preserving life and determining the causes of death? It is in the interest of the innocent as well as of the guilty that some improvement should take place in our present means of inquiring into the circumstances of health and disease, of life and death, of accident and of crime. Who shall determine how much is lost to human life by our failure under the present desultory system to acquire for use all the fruits of experience in preventing disease, and ensuring a high standard of national strength and vigour? Draw together all the cords of experience now straggling abroad in every direction, and bind together in one all the sinews of our knowledge, that out of them we may devise means to give fresh endurance and fresh power to the struggling masses of our people! Let this be a part of the ministry of the day, and not the most ignoble part, a presiding genius of health, whose influence shall be felt in the remotest corner of our land, in the consciousness that help is always ready to the best of human ability to be

Digitized by Google

given in every time of exceptional difficulty or distress. We improvise something of this kind when a great epidemic calamity is upon us; but hundreds, often thousands, of lives are sacrificed before the machinery is in working order, and when we are really in staunch trim for action, the calamity is partially or entirely overpassed. Unhappily, strewn all along its path of progress are to be found the bodies of the victims who might have been saved had our forethought been equal to our pity.

The really difficult matter in any remodelling of our sanitary system is the question of the incidence and amount of rating. The consolidation of offices and officers, all serving one local authority, collecting rates for all purposes, and therefore making but one consolidated rate, collected at fixed periods, would of necessity ensure considerable economy, and in many places at present well governed under the old system, a very large saving would accrue; but in others now suffering from past neglect it would inevitably follow that the necessity would arise for further taxation. The true principle, no doubt, in levying moneys for public local purposes is, that everyone should contribute in proportion as his property is benefited by the money expended. But to ascertain this is a subtle indeterminate equation, which in many cases defies solution, and the more attention we give to the subject the more shall we become convinced that all exemptions are vicious and misleading, and that the only safe and equitable guide is to take rateable value as the basis of rateability, and to treat everyone alike. It is impossible to say where any person or property is not indirectly, if not directly, benefited by works executed in any district. In the works to be carried out by a Conservancy of Rivers Board, none would be more beneficial than those executed for the prevention of floods, a work which it would be impossible to carry out thoroughly and extensively without an entire representation of all the various interests concerned within the whole watershed area of a river. One short example of an apparent exemption may show how wrong it is to carry such exemptions into practice. Those persons owning property on the upland portions would strongly urge that they should not be rated, as they could derive no benefit from the works; but it is on account of the position of their property, and the relief they get by a rapid transmission of the water which falls on their ground to the low-lying parts of the area, that the injuries occur, to remove the liability to which the money has to be expended. In this matter we are again met by obstacles interposed by our past legislation. The Public Health Act, 1848, and the Acts subsequently passed, have rated

Digitized by Google

agricultural lands, market gardens, water and railways at but one-fourth of their rateable value, and the great railway companies, wise in their generation, have been careful, whenever a special Act of Parliament has been passed for the improvement of a town or district, to get clauses inserted continuing for their protection the same exemptions contained in the general Acts. But a closer examination of the subject will show that it is these great companies, lands yielding produce, and the like, which derive the greatest indirect amount of benefit from the improvement of a district, and if they take their fair share of the benefit and profit, they should in like manner be prepared to bear their equal quota of the direct burdens which improvements entail.

Great apprehensions have been expressed both in and out of Parliament at the very large increase of indebtedness of local authorities, but a little examination will tend to dispel any fear on this account. The great body of the expenditure has been incurred in the purchase from companies of their gas and water undertakings, and for the money thus expended there is a commercial and adequate annual return, equal at least to the interest which has to be paid for the money borrowed, and in many cases bringing in a large amount of profit. Judging from the events of the last few years, the time does not appear to be far distant when every prosperous undertaking paying a good dividend on the money invested in the enterprise will have passed into the hands of the local authority of the district in which it is situated. This is hardly a consummation devoutly to be wished. Interference with private enterprise and stoppage of outlets for investment of small sums in secure ways is contrary to public policy, and every additional dealing with public moneys for trade purposes is to be regretted as a step in the wrong direction. Happily the Legislature has, as yet, determinedly opposed any using of moneys raised by rates in competition with the action of trading companies. After very considerable enquiry and experience, I have not been able to satisfy myself that any advantage can accrue to communities from such transfers. What a local authority could or would do, would certainly be done in its own interest by a gas or water company having parliamentary powers of supply, for the interests of the company and of the consumer, whether of gas or water, are indissolubly bound up together; and Parliament has surrounded these supplies with such safeguards as to make it less than ever desirable that so much of valuable private enterprise as is represented by these companies should be destroyed. The limitation of dividends, the sale of shares

Digitized by Google

by auction, the adoption of a sliding scale, in which dividends are directly proportionate to the cheapness of the supply, the care taken to ensure pure water and pure gas being provided by companies, and the means adopted by the Legislature for enforcing this, with other financial safeguards, make it less than ever necessary to increase the number of these transfers. There is no further power of supply, no greater aid given to the local authority to enforce use of water, and, so far as I have been able to judge, no saving to the community. It is true that in the case of water there is power in the local authority to take its mains, if necessary, through private lands, a privilege not granted to a company; but the occasions for the exercise of this power are so rare as to make it practically worthless. Of course it will be argued that the great profits now earned by the companies are transferred to the consumers, but is this so? In the case of either gas or water supply, if compulsory power should be granted to acquire an undertaking —and this, as yet, has only been done in one single case of a water company, and never in the case of gas—Parliament will require the full value of the going concern to be paid for, estimated at twenty-five years' purchase, money being supposed to be worth 4 per cent, and the local authority will also be called on to pay a sum to represent prospective value and compulsory sale. When the sale is by agreement, the company fixes its own price; we may therefore assume the undertaking is not parted with below its real value. The only profit to be earned is that arising from the raising of new capital, and as now every gas undertaking must sell its shares in the open market for what they are worth, which in every case is close upon the current value of money, and all in premium obtained goes into the capital, without carrying a dividend, and by these means the price of the commodity sold is reduced, there is practically little advantage on this score. Moreover it cannot be right in principle to make large profits at the expense of one class of ratepayers for the benefit of others. When a sanitary authority becomes possessed of a gas undertaking, it can only rightly do so because it has to provide means of public lighting, certainly a very important element among sanitary and social requirements. Private lighting is to be considered under these circumstances as merely subsidiary to this public supply, and gas should be supplied at cost price to consumers who are ratepayers and who take their share of the risk as to the capital sum invested and have to pay their share of the principal and interest year by year. That is, the undertaking should be carried on to give cheap gas, not to make profits out of which

Digitized by Google

to build Town Halls or to provide street improvements. In another view the change of supply to the hands of public authorities is likely to be disadvantageous. At the present time effective checks to the supply of gas containing any impurity or of less than standard illuminating power, can be and are imposed by the Legislature. For every day in which such gas is supplied a fine is imposed which can be so arranged as to be a real payment out of the pockets of shareholders, it being levied and paid out of the dividend of the ensuing half-year, which is by so much diminished in amount. But it is useless on the part of ratepayers to seek to impose such fines when the undertaking is in the hands of the local authority. Public authorities as yet are only men, and possibly sometimes, when managing gas and water undertakings, may be found in default as to quantity and quality of supply of gas or water. To impose a fine is to punish the sufferer, as it is a payment which would have to be made out of rates paid by the complainant himself.

With respect to water rates, there is no object in charging more than the actual cost of repayment of the proportion of principal and interest required year by year, because all persons use, or ought to or might use, the water supplied, and it matters little whether the money be raised by a rent charged for the supply or a rate charged over the whole district supplied. Where the supply is not universally used it is often necessary that a rate in aid should be levied to make up the deficiency of the annual charges. There are no doubt in this way great inequalities, but it would be a national disaster in any case to attempt to pay for water like gas according to the quantity supplied, for that would be to limit the use of a necessary to health, which everyone interested in a community wishes should be as large as possible, without incurring waste; and rateable value, in this case also, must continue to be the true measure of payment. Great relief has been given to local authorities by the extension of time for the repayment of the moneys borrowed for the purposes of gas and water supply, town improvements, and the like—the money now being spread over a period of seventy, eighty, ninety, or even one hundred years, repayable by annual instalments or a sinking fund. This enables many works to be executed which were before impossible, and without hardship will, at the end of the periods of payment, transfer to posterity gas undertakings, if gas be then used for lighting purposes, and water undertakings, if water be then a necessary of life, without burdens, and as a valuable property to the district. To acquire these undertakings when assented to

Digitized by Google

by all parties interested, to acquire lands for sewage outfall purposes, to effectuate street improvements, to carry out an improved Artisans and Labourers' Dwellings Act, to provide further powers for such dwellings being erected, and generally for the execution of permanent works, greater facilities are required by local authorities, and an amendment of the provisional order system, now open to very grave objections, would inevitably follow an amendment of the administration of Public Health Law. Never before has so much public attention been directed to these subjects, never so largely as to-day have they received such careful and systematic inquiry, and never has progress been so great as at the present time. We may then, with the greatest confidence, look forward to the future of our country. An improved standard of national health will lead to higher and better intellectual and moral development, for it is useless to cultivate the brain while the lungs are neglected, and physical improvement must precede mental advance. When our sympathies are enlisted for the poor, the suffering and the destitute; when we devise better means for their aid, by living among them and showing them how best to obey the law, we elevate while we assist them. We may remember that our sympathy brings its own reward. We take the best step to diminish pauperism when we improve the cottage and surroundings of the labourer. It is, in numberless cases, the illness or death of the bread-getter which adds the name of a family to the list of the relieving officer, and once a pauper always a pauper is too often a sad reality of life. Our wise laws, receiving the most careful and earnest attention, and sure to be amended when an enlightened opinion shall have demonstrated the necessity for further legislation, furnish the basis for all external action. We can supplement them by our teaching, our example, our explanation of them, and our help towards their execution by those of our poorer brethren who come within the scope of our influence. It is in the homes of the people we can best show our devotion to our country's good, not as dictators or superiors, but as wise and sympathetic advisers and friends. In amelioration of the public health we can all of us play a not unimportant part. It is the province of our association to promote the amendment of the law; our individual work may well be so to help its application to the wants of the community as to insure everywhere the means of health, comfort and education. By our public and private endeavours we can strive to create out of State medicine a religion of the State.

Digitized by Google

Address

ON

ECONOMY AND TRADE,

BY

PROFESSOR BONAMY PRICE.

POLITICAL Economy at the present hour is undergoing a crisis. Both in the region of thought, amongst its teachers and its students, as well as in the great world, in the practical life of mankind, it is passing through a revolution, and no matter more grave for the interests of humanity can easily be conceived. It calls for the closest and the most anxious attention from every friend of the happiness of human beings. It is no common knowledge which Political Economy has to unfold. It would be difficult to name any other form of instruction which so directly affects the welfare both of nations and of individuals. It is summoned to perpetual conflict, for the enemy against which it is called to do battle is undying. The evils which it seeks to destroy are so deeply rooted in the very essence of human nature that no force of argument, no exposition of the truth, can ever completely exterminate them. They crop up everlastingly from the bed of narrowsightedness and selfishness which overlies the industrial and commercial life of nations. If then the power whose office it is to contend against these undying tendencies is weakened, disastrous indeed must be the consequences.

Many and great have been the triumphs which political economy won in the past, and proportionally large the services which it rendered to mankind. Restriction of colonial trade to the mother-country has been abolished, export duties and bounties swept away, navigation laws repealed, oppressive interference with the freedom of labour expunged from the Statute Book, laws which cruelly injured both the poor and society amended, inconvertible currencies which forced

Digitized by Google

the community to accept pieces of paper as the equivalents of costly metal banished, guilds and other contrivances for conferring unjust advantages on particular men done away with, taxes on the raw materials of industry extinguished, and —greatest and most valuable of all—protection abandoned, and perfect freedom of trade enthroned in its place. It may be that some of these noble deeds were not achieved in the name of political economy, for that name may not yet have been sounded in human ears, but they were accomplished by its spirit; by the same thoughts as those it inspires, by the same intelligence, whether or not it knew that it was economical. Political economy was a power amongst men, acting with the energetic vigour and exploring analysis of that observation and good sense which are its essence, long before it was registered in books in a systematic and special form. And so vast was the benefit which society felt itself to have received from this process, that when political economy in course of time was born into the world, its authority gradually rose to high respect, its teachers were honoured, and a confident hope was spread abroad of further progress still to be achieved.

But now if we turn our eyes to the nations of the world, what is the picture which we find? Most of the gains won in the past are endangered. The mercantile theory still survives with great vitality in the language of the city and of commercial exchanges. The nature of the commonest of machines, money, is not understood by large masses of traders; favourable exchanges are still spoken of as the surest indicators of prosperous trade; a very eminent French statesman a few years ago deliberately proposed duties on raw materials; currencies composed of promises to pay which are not paid insidiously work their way into divers countries, although America has set a noble example of homage done to good sense. Bounties still maintain themselves in some highly civilised nations. Even the distinguishing glory of political economy, which Archbishop Whately declared to have rendered the greatest of all services to mankind, free trade, is losing ground in many quarters. One of the greatest of empires, though sorely in need of financial progress, is deeply entrenched behind the walls of protection. The nation which accounts itself the most progressive of mankind sentences itself to diminished trade, reduced wealth, and lowered comforts by enriching particular traders at the expense of the whole community. Victoria, at the instigation of an ignorant democracy, breaks the financial uniformity of a mighty empire,

Digitized by Google

and loads the merchandise of the central state with harassing duties. It is rumoured of one of the foremost statesmen of Europe that to procure resources for a military empire he is preparing to treat the voice of political economy with contempt, and to inflict protective duties on foreign goods. And with a feeling of sorrow be it said, it is whispered that the weight of commercial depression is awakening a feeling of disloyalty in England to the principle of free trade under the plea that it is the duty of the English people to tax themselves in order to keep distressed English industries alive.

A still more painful spectacle presents itself to view on every side. Capitalists and workmen are the joint producers of that wealth which is necessary for the existence and the civilisation of human beings; their work, its true methods and principles, are the specific field of economical study, the region which it is its special office to enlighten. These two classes comprise incomparably the largest portion of mankind. Political economy shows their indispensableness to one another, that the one cannot exist without the other. It shows further, that harmonious co-operation in their joint-work is the state to which the facts of human nature and of human life call them, and that such reciprocal goodwill produces the greatest advantages for both. Is this the relation between them, that the feeling which now presents itself to our view? Alas! millions in every country are persuaded that nature has placed them in perpetual war with their fellow-beings—that those who labour and those who supply the means for labouring are necessarily, by the law of their existence, the enemies of each other—that what one gains the other loses, and that the rewards of the efforts they both make must be divided between them by combat. Hundreds of thousands of pounds of lost wages, protracted poverty, misery of wife and children, overcrowded workhouses, starvation even, fail to convince their ignorant victims of the unnatural delusion of the policy of strife.

Meanwhile, where is political economy? When the cholera or the yellow fever visits a country, there is a rush for help and advice to its physicians. The ravages of the plague are seen and terrify; recourse is had instantaneously to the men that know. In the war of classes political economy is absent. The man who thinks he has suffered wrong and seeks redress from law calls in his lawyer, and submits with entire obedience to his counsels. But who sends for a professional economist in a strike? Who asks his advice as that of one who is acquainted with the conditions of the problem at issue, and can point out the way to justice and fair dealing? No unionist on strike

Digitized by Google

will ask a political economist what the policy of his union ought to be; no farmer will beg him to point out what is the land which pays no rent, that he may be able, by its help, to calculate what rent he ought to pay. And should the dangers of the hour ever impel him to demand the aid of economical instructors, what will he find? Discordant opinions, theory and counter-theory, unintelligible language which sounds as jargon, grand deductions of which he does not understand a word, and all this on matters which belong to his everyday life, and which he feels his untutored common sense can judge as well as his scientific but incomprehensible instructor. Thus in the city or the factory, in the commercial port or the manufacturing town, the remark is never heard, political economy says so and so and I must act according to its authority. The prosperity and happiness of nations depend on the processes which political economy has for its mission to explain: their fortunes hang on practising good political economy; able and accomplished men have zealously toiled to build up a lofty structure of economical science, and yet, with sorrow be it said, chaos and weakened authority prevail in it to a degree unequalled in any other branch of human knowledge.

Such are the backslidings into which the world of action has fallen, and such the loss of influence into which the expounders of political economy have fallen. And be it carefully observed, this is no case of error being superseded by truth, of a Ptolemaic doctrine being made to give way to a Copernican. Political economy is not refuted and thrust aside: it has simply become discredited. What then, it must now be asked, are the causes of this unhappy relapsing into mistaken and mischievous practices? They are in the main two. In the first place, the tendency to practise bad instead of good political economy is deeply seated in human nature. It is a force which is ever at work, which knows no rest. Selfish and noble feelings alike are ever prompting courses of conduct which are pursued to the injury of the whole community. What more absurd than that makers of commodities should be ever seeking to prevent the competition of foreign rivals in the home market, and should shut their eyes to the fact that thereby in substance they impose taxes on the people? Or if commercial depression weighs them down, may they not claim the sympathy of their fellow countrymen to repel the invasion of foreign workers? On the other side, how hard do many find it to resist a generous impulse of humanity, when they see industrious and meritorious traders struggling in vain against the cheaper goods of strangers—still more when

Digitized by Google

the sight stirs them of hard-working men sinking to a lower level of living, and of wives and children pinched with poverty and misery. These are forces of great power, which array themselves against the thinking out with calm intellectual precision the elements of an economical condition. No length of time, no appeal to a settled judgment, avails to avert the attack of such feelings. Backsliding is ever at hand, although the clearest proof has made known what are the inevitable consequences to a whole people of such a blind refusal to recognise the laws imposed on human existence.

This it is which constitutes a radical and permanent difference between political economy and the regular sciences. What they demonstrate is won once for all. The truths revealed by astronomy, chemistry, and physics are accepted and never departed from, unless fresh research compels a remodelling of their form. No sailor ever dreams of acting against the teaching of the heavens, or manufacturer against the properties of the salts and alkalis; but what political economy explains is ever on the slide. At any moment it may slip down the incline and be buried under the weight of arbitrary, selfish, or charitable feeling. To meet this unceasing danger, a solemn duty is imposed on every teacher of political economy. He is summoned every day to meet the arguments and demands of every class of society, and he is bound to speak to them in their own language. He cannot, like the mathematician and the chemist, use technical words, and feel that men will rely on his assertion because he knows. The men he has to address will call him a theorist, and turn their backs upon him. If they are to be argued out of their errors—and we have seen how mischievous they may be—he must employ the language of the market and the workshop, the language of men who think they know all about business.

This brings us to the second cause which has brought about the discredit into which political economy has fallen. This cause is the grave mistake made by economists in attempting to give a scientific form to its teaching. This method of treatment may be said to have begun with Ricardo. Mill followed on his steps, and so have most of his successors. It reached its climax when the facts and rules of political economy were expressed in mathematical formulas, and differentials of the first and second order informed statesmen and merchants, employers and workmen, of the course which they ought to pursue in the production and distribution of wealth. Nor has intellectual ambition been content with lifting up political economy amongst the sciences: it has aspired to give a complete theory

Digitized by Google

of human conduct. Thus political economy has been called away from its true and most beneficial function of explaining the real character of important processes in a particular department of human life, and been plunged into discussion at once unlimited and vague. The distribution of wealth was made the starting-point for speculative inquiries into what were the fitting social relations which should exist amongst men; and the construction of political theory and of the position which the several classes of society should occupy in the correct political organisation threatened to be accounted the special study of political economy. Unlimited scientific theory was made its vocation.

The pursuit of this method led naturally to the proclamation of laws which were described with much pretension as the necessary conclusions of a rigorous scientific investigation, whether deductive or inductive. These broad formulas were set up as the forces which governed man's economical existence, and were applied with imperious claims to authority to the solution of the practical problems of human life. Thus a wage-fund of the most definite amount, incapable of all expansion, was announced as the law of their labour and the condemner of their conduct to men on strike, who nevertheless, on previous occasions, by striking had extorted the payment of higher wages. The language in which this scientific teaching was couched was as remote from common life as that of the mathematician. Such an everyday fact as rent was described by Cairnes as 'a complex phenomenon arising from the play of human interest when brought in contact with the actual physical conditions of the soil, in relation to the physiological character of vegetable productions.' Conceive such an answer given to a farmer's inquiry, What is rent? Can it be a matter of wonder if the men of the market and of the factory, the very persons for whom political economy exists, turned their back on the dismal science? Well might Dr. Ingram, in his able Address delivered to the Economical Department of the British Association at Dublin, tell Mill and others that 'the excessive tendency to abstraction and to unreal simplifications into which they had fallen should be checked,' and blame them for 'the most serious error of exaggerating immensely the office of deduction in their investigations.' Yet Cairnes and Mill and the others were men of distinguished ability, and, in spite of their frequently mistaken procedure, rendered services for which society ought to feel grateful.

Nevertheless, it is positively affirmed that political economy is a science, and as such necessarily requires scientific

Digitized by Google

treatment. This is a position vigorously maintained by Dr. Ingram at the very time when he pointed out so graphically some of the errors into which such treatment had landed economists. The question instantly arises, What is science? and a most hard one it is to answer. A high scientific authority recently declared that science is verifiable knowledge; but this is to make science the same thing as knowledge, and thus virtually to extinguish science in any strict and especial sense. It is verifiable knowledge that a seed of corn sown in the ground will grow up into a large plant, and produce food for men; but is the labourer who sows the seed with this knowledge a man of science? Yet he possesses knowledge which can be verified. Again, science has been called systematised knowledge. A farmer, and a sea-captain, a skilful gardener, and a great artist, possess and use a vast amount of systematised knowledge; has anyone ever called them men of science? The captain may use means placed at his disposal by science, and thereby discover his position in the ocean; but there are thousands of captains who cross the seas and daily handle scientific instruments and tables, who could give little account of the process by which these instruments tell him where he is. To work a farm and to sail a ship are not science, yet without large systematic knowledge these practices would end in disaster. Dr. Ingram lays down that political economy admits of scientific investigation, and then proceeds to give an eloquent description of the range and dignity of sociology; but this is to beg the question that political economy is a constituent part of sociology. To show that sociology is a science is not to show by necessary implication that political economy also is a science. No professor of the older sciences has denied that sociology may be a science: but this, in itself alone, is not an admission that political economy is science.

Dr. Ingram then gives his own definition of science. It is 'the ascertainment and co-ordination of laws. A law is the statement of a general fact.' But again it must be asked, What is a general fact? It is, it may be presumed, a general fact that a labourer who is employed in producing corn for the next harvest must be meanwhile supplied with food, clothing, tools, and materials as the conditions of production: this is a fact known to all mankind: nothing can be more general or more universally known. The words in which it is stated have a scientific look: but is there a farmer or labourer, if asked the question, who would not answer it in language identical in meaning? Is the nature of this knowledge changed by summing up all these items in a single word, capital?

Digitized by Google

But there must be co-ordination of these laws, we are told, of these general facts, to make them science. Let us take the instance before us, agricultural industry. We have found one general statement: There must be capital. There must also be labourers: how are they obtained? By giving them wages. How are the wages determined? By the state of supply and demand. But does not every man in England know that the wages of labourers depend, generally, on their numbers and the demand there is for their labour? Then again, as Mr. Mill scientifically teaches us, every industry, to be permanent, must repay its cost of production and afford a profit to the capitalist. Who is not aware of that fact, whether he has heard of political economy or not? This necessary value is procured by sale in a market, and market price is determined by the general fact, the so-called economical law, of supply and demand, of the quantity of goods offered for sale and the number of buyers. Thus we have three general statements; three laws:—Capital; supply and demand of labourers; supply and demand of goods on sale. They are all co-ordinated, but they are all things which every man of ordinary understanding is perfectly familiar with. What trace is there of science, science built up by intellectual investigation, in all this? Dr. Ingram has not helped us here to the answer of the question, What is science?

It is a truly difficult question, most hard to answer. Perhaps some light may be shed on this dark problem if we consider for a moment some of the acknowledged sciences. Let us look at geometry. No one disputes that Euclid was a constructor of science. What is the characteristic, the differentia, so to speak, of his method? In his first proposition he establishes by deductive reasoning a truth. That truth is made the instrument for reaching a second truth: thus, step by step, by the help of successive propositions won, a number of truths, previously unknown, are acquired, and then co-ordinated with each other in a body of doctrine. But deductive reasoning, by itself alone, is not science: every argument in every department of life which seeks to prove employs deductive reasoning in common with science.

Inductive science presents the same characteristic features. Its great instrument is analysis. Chemistry, for instance, analyses. It takes to pieces some compound natural substance. It discovers its elements and their qualities, and those elements, for the most part, are substances which were unknown before. It is perceived that in the physical world these elements exist in other compound substances. Their actions on one another

Digitized by Google

are successfully explored and ascertained: and the result is a body of new knowledge, a perception of new forces and of modes of using them, which are fresh acquisitions for the human intelligence. This is science.

But it is difficult to apply the term science to any body of truths which were practically perceived and acted upon before their mutual relations were methodically explained. Nor do generalisation and the perception of unfailing sequence constitute science. A horse and a dog generalise: from observed experience they gather a general fact, a law. They apply it to a new case and act accordingly. A Belzoni hunter took care to let his feet drop on the sound grass over the fence. He generalised from colour. Mr. Lowe laid down prediction as the test of science. The sinking of a stone in water can be predicted: is the boy who threw it to see it sink a scientific person? Did he learn the law of sinking from a scientific instructor? If the knowledge won by observation and intelligence were science, then the gardener who has noticed that some flowers require much water and particular kinds of soil becomes a man of science: and if this is so he enters into the same category with the physiologist, the astronomer, and the sociologist.

Let us now turn our attention to political economy. What do we find there? Uniform sequences, general facts which can be described as laws because they ever recur in the same form, I am unable to discover: but general tendencies present themselves to the observing eye in abundance, which admit of classification, and of co-ordination, as joint agents in producing common effects. The strongest instance of such a fact or law is that under which Mr. Lowe sums up political economy, that labour and thrift create wealth, and idleness and waste poverty. A more valuable truth for mankind it would be hard to mention. But it is a truth as ancient as the hills, felt and practised ages before the name of political economy had been sounded amongst men. Mr. Lowe's formula is only a summing up, an expressing in a few terse words, practices which the ordinary intelligence of the world had ever understood. It is an act of generalisation no doubt, and science necessarily generalises. But so do most men of all times: for they classify, and classification is generalisation. I repeat, Mr. Lowe's formula is merely a summing up—a kind of label put upon certain practices. A second general fact of the same nature is what is called the law of supply and demand. But these very words, as governing or explaining price, are constantly on the lips of every farmer who goes to a fair, of every trader who deals in a market, and of multitudes of men who have

Digitized by Google

never heard of science. The supply of beasts was excessively large, the demand for onions very small, and their price was determined accordingly, are expressions of the most ordinary occurrence. Does anyone ever dream of calling such language scientific? If so, then all knowledge is science, and science justifies its derivation from *scire*, to know. Again, in the agitated region of capital and labour, the labourers appear as ever standing for hire in a market: and on this fact practical rules are laid down for the settlement of the hirings. Is this fact a revelation due to economical writers, a discovery of political economy? Is the advice given to employers and workmen on the basis of this position scientific advice, real science? It is quite true that this dependence on wages of labourers who possess no property is a position strongly objected to by many thinkers on social grounds, and that new relations are desired and discussed by able and philanthropic men. Political economy has not a word to say against the investigation and pursuit of such an object: but till labourers are placed in a new position, they must inevitably fall under the conditions belonging to every market, and political economy can deal with them only as men existing in a market.

Lastly, Mill's formula of the decreasing returns to the application of capital to agriculture is often spoken of as a grand economical law and generalisation, explaining many particular facts; but it would seem to be rather a truth of detail, long known to every cultivator of land, and amounting to little more than the fact that land cannot be made to yield beyond a limited amount of produce. Every farmer knows, practically and consciously, that additional manuring will not pay in many cases, unless indeed some new potent manure were discovered. Mr. Mill's law is only a statement of this fact in abstract language: then why should it be spoken of as an economical law?

The conclusion seems to come forth that political economy is not a science, in any strict sense, but a body of systematic knowledge gathered from the study of common processes, which have been practised all down the history of the human race in the production and distribution of wealth. These processes are subjected to examination, and that examination gives insight into their efficiency for reaching the ends desired. But those ends, and the suitableness of the processes for obtaining them, were all along known to mankind, not indeed to all, but to the intelligent and the sagacious. The ordinary intelligent mind understood them, and that is the one point here to be carefully noticed. But it will be asked, if political economy only

Digitized by Google

enforces methods already known and practised for attaining objects universally familiar, why should men occupy themselves with the study of it? What advantage does that bring? The answer is easy and decisive. The mission of political economy is to combat and drive off false theory, which is ever invading the processes known to and practised by natural sagacity. Sagacity and love of truth are sufficient by themselves to win everything which systematic political economy treatises teach: but they have to work in a region beset and darkened by false theory in a degree unknown to any other branch of knowledge. They have to encounter intricate entanglements in industry and trade, as well as arbitrary ideas authoritatively enunciated as commanding truths.

Then again the selfishness of men who seek to protect their trade at the expense of every buyer in the country, the emotions of the high-minded but uninstructed philanthropist and other forces, moral and pecuniary, possess a power of inventing doctrines founded on the complication of trade which is truly astonishing. Even educated men find it exceedingly hard to perceive the fallacies involved in such language—and under a feeling of imperfect comprehension bow to the authority of practical men, who must be presumed to know. It requires often great thought to detect and refute these fallacies; one cannot wonder if such a refutation wears a strong look of science. Yet it is not science, however striking may seem the resemblance to it; it is only intelligence, careful observation, and keenness of discernment. These qualities are the contribution which political economy is summoned to give to the right conduct of industrial life, and its value is immense. The theories of the practical man work evil to men and nations of the greatest magnitude: they directly attack the happiness of mankind. The theory of protection, had it not been expelled by the explanations of political economy and the heroic struggles of Cobden and his associates, would have rendered the existence of a large portion of the people of England impossible.

To this statement of the nature of political economy Dr. Ingram replies that I hold that 'it ought to be relegated to what is called the common sense of the practical man.' If that were so, well might he exclaim that 'a more fatal suggestion could hardly be made.' But Dr. Ingram misdescribes my meaning: he converts it into its direct contradictory. Like him, in my first lecture at Oxford in 1868 I denounced the mercantile theory as the product of the practical man. I described the practical man as swarming with theories, with

Digitized by Google

ideas built up with the greatest dogmatic confidence on his knowledge of business. His common sense is the very last authority to which the decision of what is right political economy ought to be referred. I spoke of common sense, not as being the judgment of the so-called practical man, but as natural sagacity in its ordinary form, as distinguished from science and its methods. The point insisted on was that the truths enforced by political economy were not due to scientific discovery, but to natural intelligence studying and explaining processes long known in the world. Beyond doubt this natural intelligence, this common sense, may easily fall into error, and demands continued thought and investigation; but so also can science. Common sense and science stand on the same level, each in its own field, as to liability to error.[1]

But here it is necessary to call attention to an important feature of the method which belongs to true political economy. Its function is the examination of a common process, and its results the illustration of an existing practice, and the removal of a cloud of errors, chiefly theoretical, which may have fastened upon it; but that examination leads to a vast amount of instruction which is new. Political economy observes and analyses complicated combinations, groups details together, lays down practical rules, and traces out the working of principles into the most varied practice. The obligation to meet the intrusion of false theory and to refute it in a manner that shall convince a whole people, stimulates the economist to trace out what common sense prescribes as the principle which should govern conduct. This it is which calls for elaborate investigation of the whole economical ground, which binds facts together in coherent exposition, and fills economical writings with new matter. As I have previously stated, the entire principle of free trade is contained in the rule of every household, the women to do the needlework, the men to lift the weights: yet how immense is the amount of knowledge required for following out this principle into the gigantic exchanges of great nations. And the more this process is carried out, the more vivid will be the perception of what is the inmost essence of real economical truth, and the greater the power of wielding it against the theorist. How, in the face of the constant repetition of these views, Dr. Ingram came to imagine that I needed to be asked the question, 'What security can

[1] Of the inexhaustible power of practical men, under the impulse of individual selfishness, a very remarkable illustration is given in the 'Times' of August 27, on the views taken in the United States of free trade and protection.

Digitized by Google

there be against endless aberrations and confusion but the systematic observation and analysis of the phenomena resulting in a body of ascertained and reasoned truth,' is more than I can understand. Did he really give this as a definition of science, and suppose that when I denied political economy to be a science, I was denying it to be a body of ascertained and reasoned truth?

But a still higher claim is advanced in behalf of political economy. It is not only a science, but it is also, as Dr. Ingram tells us, an integral part of 'the science of society, with which no other branch of investigation can compare in importance or in dignity. It has the most momentous influence of all on human welfare, for it presides over the whole intellectual system. It receives contributions from all other departments of research. It is the most difficult of all the sciences, because it is that in which the phenomena dealt with are most complex and dependent on the greatest variety of conditions, and in which accordingly appearances are most deceitful, and error takes the most plausible forms. Economic phenomena, as being capable of scientific treatment, are comprehended in this scientific sociology.' These are great words indeed. There is a sound in them of the whole of man's life —for that life must be spent in society—reduced to scientific regulation. A science which presides over the whole intellectual system,—what can it not decide and command? Such a science of society, receiving reports from every other science, every other body of knowledge, will decide whether any man shall have property or whether there shall be rich and poor, whether no man shall be allowed to have food unless he has earned it by personal labour, what form of government a people shall have, whether they shall be ruled by an intellectual despot or by universal suffrage, what shall be their religion, for religion is a mighty force in society, and must therefore be subject to its science. These and a multitude of other matters will be laid down in rules prescribed by universal reason embodied in a mighty thinker or body of thinkers. The day may come when there shall be such a science of society: meanwhile it is only an aspiration, an ambition. Materials indeed for its constitution are beginning to appear among the nations. Socialists, exulting in a name which betokens their lofty mission, are contributing ideas and principles to be inserted in the grand structure; but they and those who differ from them are thinking not of argument but of war. The enthronement of a science of society, possessing the splendour and the supremacy here attributed to sociology,

Digitized by Google

and reverentially obeyed by all mortals, must be reserved for the millennium; meanwhile, the vast interests dependent on the practice of right political economy must be cared for by some other process. The theories, and the losses, and the dangers will go on: the teaching of political economy cannot wait till 'the most difficult of all the sciences' has built itself up and pronounced its decrees on 'the existing social arrangements complained of by the working classes.'

It must be admitted that if sociology ever realises the ideal here given of it, political economy, like every other branch of knowledge, will necessarily be one of its departments. But Dr. Ingram says something more. He lays down that 'the study of the economic phenomena of society ought to be systematically combined with that of the other aspects of human existence.' By these words I understand him to mean that political economy must be discussed and taught avowedly as a part of sociology, and that none of its conclusions must be accepted unless they are pronounced by the sociologist to be in harmony with the right constitution of society. Political economy, embedded in such a soil, would be suffocated and cease to exist for the mass of mankind. Its position is bad enough already, as is universally acknowledged, under the weight of the scientific treatment it receives; how many traders and working men would read it, if they had to encounter the generalisations of all the sciences, poured out each in its own phraseology? And then, who is to be authorised to speak in the name of sociology and to issue its decrees? Shall it be 'Comte,' or 'Herbert Spencer,' or any other expounder of what society ought to be? Who is the man or body whom the French and American Communists, the German Socialist, or the English Unionist will accept as the makers of society? Meanwhile, political economy is in entire abeyance. Not one of the principles it may put forth as governing the relation between employers and labourers will carry the slightest weight the instant it is authoritatively proclaimed that existing institutions and their principles must first be submitted to the tribunal of sociological ideas. How will a word be listened to about the right wage, if it is shouted by millions that a true sociology forbids wages altogether? The profound sociologist may preach that a nation which excluded wages would be impossible: but he would preach in the wilderness. The millions will exclaim for ever that his sociology is bad, and his political economy rotten with sociological disease. Will not civilisation itself be threatened?

But in truth Dr. Ingram has failed to grasp the real posi-

Digitized by Google

tion in which political economy stands towards any form of social science, yet it lay directly under his hand. The whole secret of the problem lies in his own words, that the science of society receives contributions from the other departments of research. The science of society is one body of research: there are others co-existing with it by its side. If the day should ever come when sociology, in the judgment of mankind, had developed itself into the supreme governing science, the true master, judge, and ruler over all the elements of man's individual and national life, then the ultimate decision on human conduct would clearly belong to it. But that day is still far distant: so for sociology we must substitute political philosophy, in its broadest sense; or better yet, the legislator himself. But even were sociology supreme, its position would be that of a science which pronounces judgment after receiving information from independent bodies of thought which are not parts of itself. Their sphere of inquiry is distinct and separate. The sociological judge could not learn and know everything for himself. The science of society would have nothing to do directly with the studies of the chemist or the physiologist. It would receive a report of the knowledge they had established; but it would have taken no part in the investigations they had pursued. Its sole functions would be to combine these reports together, and then to determine what form should be given to human life. Thus geology would inform the authority which would act in the name of sociology —as it does now the supreme decider, the legislator—of the conditions under which coal exists in a particular country; and then the legislator would determine whether with regard to the future welfare of that country the exportation of coal shall be free or restricted. But neither the legislator nor the sociologist is a geologist.

On this basis the position of political economy becomes clear and well-defined. It is an investigator in a special but subordinate field of research. It explores a definite subject, a separate and limited department of knowledge. That subject is wealth and its phenomena, its production and its distribution. It is engaged in search after truths which are of extreme importance for the welfare and happiness of society, and of every one of its members. Those truths it reports really to society, to the nation, and ultimately to the mind of the legislator. As a departmental body of knowledge it has its own field of inquiry; but also it falls under the law that the results it obtains must be combined with the truths established by other departments of knowledge. It is master of its own knowledge;

Digitized by Google

but no department can ever possess the authority to declare that its own truths must be carried out into action by the legislator independently of all regard for other truths established by other branches of knowledge. But the very spirit of science itself, as well as the vital interests of human life, demand that every field of knowledge shall be explored by and for itself alone, and that its truths shall be discovered and established as they are in themselves, without reference to any other investigation into any other subject of inquiry. The combination with other discovered truths begins only after each portion of knowledge has been independently acquired and defined. Thus each truth is ascertained, as it is in itself, by its own proper nature: the work which it is fitted to perform in the world is subsequently determined by comparing the authority belonging to it with the authority of other truths which are concerned in the same work. Such is the position of political economy. It is subordinate so far as its conclusions may be set aside by the legislator, or indeed by any man who is deliberating about employing them; but it is entitled to speak for itself on its own subject. It is dependent and independent at the same moment. Independent so far as it has learnt for itself, and knows the matter of which it speaks: dependent so far as its report may, without being refuted, be not acted upon out of regard for considerations derived from wholly different quarters.

History records many examples of such deliberate putting aside of objects explained by political economy, and recommended by it on the ground of their promoting the acquisition of wealth. Thus war is treated by political economy as a powerful destroyer of wealth. The plea of its enormous cost is often urged against war; but no statesman, and no nation, ever turned aside from war simply as forbidden by political economy. Nor do men hesitate in war to cripple their own commerce: the interests or passions which lead them to engage in war are held to carry greater weight than regard for wealth. Religion and humanity abolished slavery and the slave-trade, though some wealth-producing land might thereby be thrown out of cultivation. The same respect for higher duties prevailed with the British Parliament to impose restrictive regulations on the working of mines and on the employment of women and children in industry. It is confessed that the cost of production of some important commodities has been thereby raised, with the possibility of injurious effects on English labour in competition with that of foreign countries; but no one free from selfishness has challenged the right and duty

Digitized by Google

of the Legislature to respect the suggestions of morality and humanity. Again, look at the law in France which enjoins the equal division of land amongst the children of a deceased father. The economist might be summoned to estimate the economical effects of such a law on the cultivation of land. It might be his office to report to the legislator that such a law sentences France to small properties, to their frequent sale and resale, to insufficiency of capital for successful cultivation, to difficulties of manuring and of draining; but he would have no answer for the French statesman who might reply that it was a thousand times better for the social life of the French people not to offend against moral feeling than to grow rich by its violation. The economist would be silenced, but he would have no ground for complaint, for his authority is limited to a single department of human life.

The same rule applies to free trade. Free trade rests on proof as complete and as sound as any in mathematics. The vigorous theory of protection and the feeble doctrine of reciprocity admit of no defence on the ground of industry, trade, and the material welfare of a people. But the right to bring up its report to the bar of political philosophy, or of sociology, and then to review in combination all the considerations which bear on the policy of practising free trade, is perfectly legitimate and undeniable. No isolated department of knowledge can issue sovereign edicts on the life which a nation ought to lead. Moral, political, social, military, and other reasons may call upon a people to reduce its industry, diminish its trade, and lessen the wealth and numbers of its population in order to obtain benefits of higher quality and value.

But here Dr. Ingram makes a most extraordinary remark. Speaking of the dictum of Professor Cairnes that 'political economy only furnishes certain data towards the formation of sound opinion, but can never determine our judgment on any social question, he exclaims that this amounts to an entire paralysis of political economy as a social power.' Is medical science socially paralysed because it makes reports which are purely sanitary? To call the knowledge which raises up vast industrial towns, covers the seas with ships, developes and feeds immense populations, scatters enjoyments and refinements over the nation, builds up a mighty influence over the whole world, and enriches mankind with ever-progressive civilisation, a social paralytic is certainly startling.

This subordinate and departmental character of political economy explains the plan assigned to it in the discussions of this Congress. On the one hand social science is a true science,

Digitized by Google

even though it may repudiate the magnificent claim to all-ruling supremacy made in behalf of its ambitious neighbour, sociology. It can discover new truths, new aspects of social matters, and, on the warrant of the truths thus won, prescribe new combinations of social life previously unknown. On the other hand, social considerations of great importance spring up in every part of political economy, and these elements may demand that some of its teaching shall be modified or not be carried out at all. The appeal will lie to social science, whose authority over the decision of such questions is natural and undeniable.

To resume, in conclusion. The critical point with reference to the loss of authority caused by the method adopted by eminent economical writers is not so much whether political economy is in some sense a science as whether the rigorous scientific treatment they pursue is necessary or desirable. Science is a vague word; and the limitation of its definition most difficult. There are reasonings carried on by everyone on the commonest subjects which, if minutely scrutinised, must be held to involve science. But economists proceed far beyond such modes of proving. Their aim is to build up a regular scientific structure, a systematic development of co-ordinated knowledge. They proclaim economical laws. In pursuing this method they ignore the nature of their subject and the world which they are called to address. Their function is to explain industrial and trading processes practised by all. The discussions they conduct and the conclusions they reach are understood at once by natural sagacity. It immediately perceives that this is exactly what intelligent men do. The persons addressed are every class in the nation. They are incessantly speaking on economical topics in one way or other: much of what the economists write they have themselves said often. They will not listen to talk about laws on such matters. They are willing to be told of laws of chemistry and hydrostatics. They are conscious that, not having studied them, they know nothing of such subjects. They are willing to be informed that in these regions certain effects take place in a regular way, and the word 'law' only expresses this fact to their minds. But on the operations which occupy their lives they refuse to be silenced by the announcement of laws by persons who claim to be learned. They feel that they are often thinking, to a large extent, the very same things that the economists write —that they argue as well, indeed with more familiar acquaintance with the subject. If they are to be convinced of error it can be done only by the teacher speaking their language: they

Digitized by Google

will listen to nothing else. This is the true world in which Political Economy is called to spend its life; if it chooses to dwell in a temple of science, it will find few listeners. Its influence, when it is thus handled, inevitably decays, and to make it a part of sociology, so that its truths shall be studied and its teaching proclaimed only in sociological writing, will be to extinguish it for its one real audience, the mass of mankind.

Digitized by Google

Address

ON

THE RELATION OF FINE ART TO SOCIAL SCIENCE.

BY

T. GAMBIER PARRY.

IT would be difficult to find a subject more intricate and speculative than the relation of fine art to the social interests of a nation. I therefore approach it with the utmost diffidence. I believe that a general or practical essay on fine art would be altogether foreign to your purpose. Of the industrial arts there would be no hesitation, because every branch of those arts has some social purpose to serve, and some evident benefit to insure to society, but they form too wide a subject for me to attempt on this occasion. It is a most fertile subject, which I earnestly commend to some future president of this section. It would involve much research into the history of commerce of many countries and periods. The story to be told of it would be as interesting as the precedents gained by it would be valuable. I must confine myself now to the fine arts alone. I believe them to be intimately connected with the highest object of your Association; but I am aware that to many people that connection appears to be so indirect that they very naturally ask, 'What has Fine Art to do with Social Science?' These subjects appear at first sight to be at the very opposite ends of a scale of which one is poetry, the other prose. Fine art, which is but one form of poetry, seems assuredly to be in strange company when ranged beside Sanitary Boards, Mercantile Marine Laws, the Treatment of Lunacy, and the Statistics of Crime. But all thought of such strangeness and incongruity vanishes at once when the fine arts are placed in the position due to their intellectual

Digitized by Google

source and power, as among the most precious and effective instruments of civilisation, to reach the deepest springs of life, and to influence the social and moral character of a people. The more we consider them the more shall we perceive that to divorce the fine arts from those subjects commonly classed under social science would be to alienate forces of which the alliance fulfils precisely the conditions we require. They may act rarely together, but directly and indirectly they supply all reciprocal deficiencies in dealing broadly with the world, the one affecting human action and necessity, the other human feeling and thought. To separate them would be an offence to our compound nature, ignoring the law of material and spiritual combination under which we live, and violating it by the separation of the body from the soul of humanity.

There is a closer relationship between prose and poetry, romance and reality, in the course of common life about us than many versed in the driest subjects of social science might care to take account of. But if the tales were told of all the suffering and heroism, the misfortunes, the infirmities, and the struggles of humanity, about which your social statistics are collected and your scientific schemes are formed, your volumes would read like romances, and your records be subjects more fit for poets and artists than for the statist or the politician. It is a poor subject that can be worked only in one direction. Things most opposite in nature and character often best support each other. Their very diversity is a source of mutual strength. Things of poetry and prose, art and science, politics and religion may jostle each other for precedence in public opinion, but if the motive power of all their active energy be pure and true, in duty to God and love to man, their struggle will not be enmity, their wrestling will not be battle, but as the lines of perspective converge upon one point, and the waves and whirlpools of a river hasten to one ocean, the result of all that seeming difference and contention will be the invigoration of national spirit, and all that apparent antagonism in principle and divergence in practice will only conduce the more powerfully to the enlightenment and content, and thereby the stability, of society.

Thus science and art may find in all the diversity of their origin and action a source of mutual strength; and when science has done all that lies within her range to do in her noble work for the physical and moral benefit of mankind, the turn of art has come, and, with all her power to instruct, to elevate, and to cheer, fine art thus becomes the crown of social science.

Digitized by Google

Fine art is a power in social life. It is not for everyone; but, as a mirror, it reflects every mind that has to do with it. It is so subtle, and ranges with such infinitude of gradation, from the height of poetic sense to the technicality which expresses it, that every variety of estimate is formed of it, just in proportion to the taste or capabilities of the student for its poetry or its skill. As an element of education, or an object of pursuit, it would be hard to find one which opens the way to so many issues of healthy pleasure or of solid benefit. The variety of its interest and the width of its application are inexhaustible. It touches to-day what was unfelt, unthought of yesterday. Taken as the serious study of professional life, or used as a recreation from weary labour, its freshness and elasticity support and invigorate heart and mind. But far beyond its fascination or its value to the private student, its resources expand the more widely we regard them for their use and influence on national life. Our people have more than hands to employ and mouths to fill. They have senses and sympathies which listen to appeal. They have needs of heart-relief no less than rest of muscle, souls to respond to an awakened imagination no less than minds to be trained to healthy reason. They need all the cheering elements that can be got for them out of this world's state; and fine art is just that gift of God for the solace of mankind which is best fitted to fill the void in the cold mechanical routine of life which poverty or necessity may have forced upon them.

But practical life is not so bright as ideal pictures it; and unless obstacles are foreseen, and our zeal tempered with wisdom, our work for public benefit will be greatly disturbed. We must be content with slow results. Indeed, I believe that where high principle is concerned, the rule of life is to work on without looking for results. Our confidence in the power of beauty and goodness over the world would otherwise slacken. We know that they are God's own gifts for its happiness; but the warmth of our energy in their service will not be easily kindled in the souls of others. Unless we be fortified for hard work wherever true good is to be done in this our world, where the balance of good and evil is to be struck for ever, we should fail through discouragement.

The view with which flattering enthusiasm would beguile our mental eyes would be like the prospect of some lovely morning in the early spring, when winter seems to have gone for ever, and all the world is bright and blithe with music and budding life. But as the hours roll on with their delusive happiness, the midday warmth draws up the mists. The bright

Digitized by Google

green meadows reek with damp, the yellow air about the distant hills darkens into grey, the woodlands lose their glancing colours, the lovely expanse of the clear blue heavens closes upon us with fog and shadow, the sun sets in clouds, and chilly disappointment takes the place of hope. And thus is that labour of love most likely to prove with those who have the means to study and to see what fine art really is and does. When we contemplate it in all the completeness of its beauty and power, the picture on our minds is one of sunny warmth and purest happiness. But when this fair ethereal thing is regarded from the side of material utility and moral influence, a shadow falls across our path. When we come to mix it up with the affairs and necessities of common life, and we descend from the height of our pure ideal to the lower level of the realities around us, a lurking misty consciousness of doubt and distrust rises up to cloud the beauty of our heavenly vision. And thus the spring morning of human enthusiasm is too often clouded with the chill of human experience.

We have a multitude to deal with. Our impulse is to use those powers within our reach to help those most who can least help themselves. We have indeed a very mixed multitude to deal with, and when we regard the application of fine art to their practical benefit, it is impossible to escape from those chilling thoughts and fears which such a contrast as that between the delicacy of the instrument in our hand and the heavy bulk of the material with which we have to deal inevitably produces. There is a sphere of noble labour for us to the profit and happiness of the world, and there is scope and opportunity for the exercise of our best faculties. Our estimate of the moral and intellectual value of fine art is formed from its action upon ourselves. We desire that our fellow men may realise it as we have. We do more than desire it; our conviction forces us to urge it upon them. Our shame and grief at the coarse preferences and vulgarity in taste and habit, which mar and pollute so much both of things and of men's natures in our English life, drive us into action for a remedy. We seek for some antidote, some means to mitigate the reproach. We search for some incentive to a higher motive, some power to raise the tone of national life. Fine art has done some work already. We believe in its healing nature and moral influence. But we know that a higher power than it is needed to turn the edge of evil, for the maladies we long to reach and cure lie down too deep to be touched by art. Medicine has no intrinsic power to heal, but is Nature's aid to heal herself, as truly in moral as in physical life. If heart and will do not respond,

Digitized by Google

there is no vital force for moral drugs to act upon. Low moral vitality is apt to cling to its own disease, and to cherish and feed upon it. Fine art is no panacea for all such ills as we desire to cure. It is a power; it has force to fascinate, to teach, to overcome; but only where the way is open to it by will and by affection. Men's sensibilities are obtuse, and they repel its action. Their preferences are base, and they refuse its refinement. And as art is but a tool in men's hands for good or evil, evil men distort it to their use. Power though it be, it follows rather than leads. There is a power higher and greater than it for good, and art is its effective servant, to teach through faithful eyes the truths that ears are often dull to. And there is a power greater than it for evil, and art can be its wily slave to deck out sin in the garb of beauty. Art, the angel of light, the demon of evil, is before us—a blessing or a curse. What an instrument of power for good or ill! What an education to purity or shame! What heights does it open to those who will to rise, what depths to those who choose to fall!

Men's accessibility to fine art is as various as their individual characters. Few may comprehend its highest flights, for to appreciate genius it needs a touch of genius itself; but all are in one way or other accessible. If music and the arts of design fail to touch, who could ever resist the power of the drama? From the mad story acted in war paint by the Indian to the consummate art and poetry of the Greek theatre or of our own, all mankind have yielded to the sway of its pathos, its wisdom, and its wit. Its influence and result, however, are often much miscalculated. Fine art is no gospel of salvation for everybody. The good and the harm depend more on themselves than on the art itself. To the pure all things are pure, and *vice versâ*. The vivid story of Jack Shepherd, put upon the stage with all the romance that art could give, made more young thieves than it cured. I doubt that any rake was stopped in his progress by looking at Hogarth's pictures, or any drunkard rescued and reclaimed by the terrible representations of our inimitable water-drinking caricaturist Cruickshank.

If anyone were to ask whether it were desirable that England should become an artistic nation, my first impulse would be to answer no; my next that the question is foolish; and my last would be another question, 'Whether such an event would be possible?' No nation can be forced into conditions that are not natural to it. The vitality of all art depends on its being naturalised. Hothouse cultivation of all

Digitized by Google

sorts is but vanity and vexation of spirit. Climate and geographical position are powers in the destinies of nations stronger even than the genius of race. Some accident of political ascendancy or failure may make or mar its fortunes. National genius will rise and fall with them. Foreign arts and imported fashions may flourish for a while: but all exotics yield at last to the inexorable average of nature. A nation is what it is from necessity. Montenegrins are warriors; there is nothing open to them but war and rapine. Dalmatians are sailors. Their arid mountains drove them to the sea for life. They manned the galleys of Venice in old time, and now they are found scattered among the fleets of the world. The ancient Greeks were artists in everything they said or touched, for nature within them and nature around them had made them so. Life was easy and supplies sufficient. Their sun and sky and air were luxuries enough; the ideal and the reality of beauty surrounded them. Bright sunshine and clear air gave vigour to the forms and intensity to the colours of their glorious landscape. Things of beauty had from their childhood filled their eyes with joy and their minds with poetry. Be they what they might, in their various place and work of life, they were artists, if not by hand, at least by heart. The enthusiasm of beauty possessed them. Their genius, their country, their religion filled their souls. They burst into poetry and song; and when language failed, the eloquence of form and colour supplied the void of words; and their architecture, sculpture, and painting became their joy and glory, the delight and the models of the world.

What hope, what desire, what possibility is there that England should follow or arrive at such a result as this? We have other and harder work to do. Life is not easy in a land like ours. Our island is too small, our supplies insufficient. Our mixed race contains the germ of every form of genius; but the necessity and the demand must be national to bring it forth. The national demand for art has been discouraged not only by physical disadvantages, but by the pressure of other needs within and without. There is but little in the inevitable course and habits of our national life that could train our people to that poetic sense which is the source of all the fine arts.

Our national arts had flourished once, but they were wrecked above three hundred years ago. Since then the demand for any sort of art at all, for many long years, came only from the wealthy few, and mainly for their vanity's sake. The things which surrounded the daily life of our people

Digitized by Google

gradually lost all that could give a colour of blitheness or artistic sense to it. The national character which had marked the architecture of their cities, and had given them the interest of home endearment, gradually disappeared. The old narrow street, with its pleasant outline of overhanging roofs and gables, quaint dormers, and angle turrets, with its spires of shining shingle—carved woodwork and painted panelling, and all the cheery sense of friendship, warmth, and comfort that they gave —the deep chimney corner, the pleasant open porch, with all their associations of rest, of refreshment, of warm-hearted hospitality—and all else that could nourish in our people the last and least sense of the poetry of common life, gave way before the desolating hand of social and political change. National taste and feeling became a blank. A foreign form of art in its most repulsive character of bleak unsuggestiveness came into vogue. Stiffness and meanness took the place of the old-fashioned pleasantness and elasticity. All fine art died away.

In the revival of art in our day we have difficulties to contend with unknown to other people. Our climate is destructive of all fine and delicate material exposed to it. Our daylight is not sufficient to bring out the intensity of colour and to make it an enthusiasm, as with the people of the South. Our hazy sunshine has never schooled our people's eyes by that crispness of light and shade which could make sculpture a passion and its works the objects of national delight. There are other obstructions also in our way not less strong though less direct. The spiritual character of our Christian faith, although it sanctions and sanctifies the purity of beauty, whether in outward form or inward thought, can offer no impulse to the arts of design equal to those religions of old days which personified and deified every power in nature and every attribute in man, setting no bound or limit to principle or propriety, and using art as much for political power as for intellectual luxury.

But, short of that, Christianity is an inspiring power and a mine of wealth for every form of fine art. Christians, with heart and eyes open to its teaching powers, and above and beyond that, to the influence of its spiritual beauty, have loved it and used it for the happiness of individual souls, and for the benefit of the world. From earliest days till now they have embodied the thoughts of their hearts in every form of art to which their hands could lay themselves. Their sculpture, their painting, their architecture, and their music were tuned together in one harmony of praise. By the plastic power of those poor tools and things of nature's finding and of human

Digitized by Google

work they expressed their aspirations to that heavenly beauty which, in the discipline of their earthly life, their humble patience was content to read in the feeble language, sounds and symbols of their arts.

But to all such works as these, and such thoughts about them, our people nowadays in this self-boasting age of civilisation and advancement, are as yet but little careful. We are told that we are much better than our fathers; but our inner consciousness of the hollow realities of modern social life, below the varnish of scientific catalogue and philosophical speculation, leaves very much to wish for before that real elevation can be attained which is worth marking as a stage in human progress. As far as works of art are concerned, which are our present subject, some day perhaps they may conduce to a higher ideal of things and thoughts; but unfortunately the opposite is our first necessity, for it is a higher standard of life and motive that is needed to raise up our arts, for the arts are simply their embodiment and expression.

We human beings are the creatures of climate. It has made some people live out-of-door lives; others, like ourselves, it has made domestic; so all we English have or do has domesticity imprinted on it. I spoke just now of the ancient Greek. To him his whole country was his home. When far away he thought not of his household gods alone, but all the glory of his native land was in his heart's eyes. With us our home means our hearth, with our family around it. Climate is stamped on all national arts. It made the Egyptian temple in the hollow of a rock; it made the roofs of southern buildings flat, as sun-shades; it made our northern roofs high to shoot off the rain. And so with other arts. Our sight is not trained by clear and steady light to the refinements of form, so what sculpture we have had has been in full relief, statues in niches, not merely to protect them from the ravages of storms, but to give them some power of light and shade which was not otherwise to be got. So, too, with our architecture; its mouldings were deep and its ornamental carving undercut. So, too, with our colouring; its common fault was its violence of contrast, for want of light to satisfy the eyes with delicacy. And now too, our discouragement in the development of national art comes much from the same cause. So long as the smoke of our cities remains unconsumed, the dull depression of a murky atmosphere must quench all enthusiasm for those works which adorn the cities of other countries. No one can care for that which dirt and darkness have disfigured. So long as these discouragements continue, all popular interest in national monu-

Digitized by Google

mental art, whether in colour, sculpture, or architecture, must be but half-hearted. We are driven indoors. It has always been so with us. Our churches, our town-halls, our streets and castles, have rarely if ever had the elaboration of outside ornament comparable with those of other countries. How different to ours are the vast and fretted porticoes of their cathedrals, their houses overladen with profusion of carving, and their town-halls places on which all contemporary arts are concentrated! All such elaboration is unnatural to us. Its attempt is contrary to the laws which Nature has placed on our national art. All attempt at it will bear the evidence of a strain. It is contrary to our nature, our habits, and our needs.

The object of ornament is happiness. Nothing is more painful than crippled beauty. I doubt therefore the propriety of exposing beauty to disfigurement. There are countless forms of beauty at the disposal of every art, and there are ways of applying it to our homes and cities that would be free from such a painful liability. The art of making our streets and cities beautiful must be rather that of breadth of feature than of delicacy of detail; breaking the sky-line, relieving monotony, not, as too often nowadays, with all the fuss and disturbance of spots and scratchings and parti-coloured devices, which only vex and irritate good eyes, but broadly, as in streets and houses of old style, by every means consistent with good taste and that sense of civic pleasantness that would cheer and brighten the lives of the inhabitants. So long as the aphorism that 'Every Englishman's house is his castle' holds good in its present sense, our cities can have but little hope of improvement. But if our Englishman still insists on retaining his aphorism and his castle, and would only be content that it should apply to his storey, or flat, or floor, or whatever it might be called, that would be equally sacred to himself, his pipe, and his penates, we might hope for handsome streets and squares in place of that immeasurable plague of hideous brick hives which make our suburbs a weariness and a reproach. In looking back to past time it is the art of our interiors that has always been the happiness and pride of our people. The exteriors of our national monuments have been marked by breadth and power, and by the grandeur of their simplicity; but all that love, refinement, and devotion could devise has made them beautiful within. The pleasure that art is intended to give us is a solace among this world's troubles, a profit and a happiness to eye-sense and to heart's poetry. If people would only remember that they are *social beings with duties to their nation and their neighbours*, and would repudiate the selfishness of a

Digitized by Google

niggardly parsimony *outside* their houses, while indulgence reigned *within*, our national art would go forth fresh and free, and make our homes and cities a pride and a pleasure to us all.

It is a dangerous indolence to be indifferent to futurity. A community that fails or cares not to rise to a sense of its responsibility to future generations is a shame to itself and to humanity. It would be a giant stride in the right direction if we could awaken our public to the feeling that national honour or disgrace is at all materially connected with the production of works of beauty or ugliness. Any such happy result of public opinion would drive many of our professional men to reconsider their ways, and many patrons and directors of art to trust less to the mere dilettanteism of intuitive taste. We should be saved from much of the shame and annoyance we now feel at the vulgar ignorance which is poisoning and misleading public taste, and marring what little chance there may be of beauty in our cities, if those architects, of whom we justly complain, would realise the necessity of a broader education, and a deeper insight into those great principles which form the science of art, and, as such, lie at the very foundation of all art practice. An 'architect,' who would be worthy of his great title as the chief and master of all arts, should know them. It would be indeed a blessing to our time, and our safeguard from the contempt of futurity, if our pretended architects (I am not speaking of the many of whom we are proud) would at least master such simple elements as these, viz.: that the principles of taste are principles of order; reason is their base and educated sense their guide, that there is nothing unreasonable that is not in bad taste, and nothing *perfectly* reasonable that is not in good taste. The entire merit of architecture depends upon the excellence of its construction; all useless or exaggerated members stultify it; no ornament can remedy its abuse: but rather is it true that ornament only accentuates the vileness of bad construction, and makes it the more vile. Thus perfect aptitude of material and its use is the key not only to all good architecture, but to everything that all the other arts clustering round it can combine to produce. But construction lies at the foundation of all art. Beauty is both mechanical and ideal. Perfect construction is one form of perfect beauty. Beauty is no partisan. There is one form of beauty in the construction of a perfect problem, another in manual skill, another in a perfect machine, and another in fine art. The former kinds may be calculated and explained, but the beauty of fine art cannot be defined. It is an ideal thing, apprehended but not compre-

Digitized by Google

hended by us. So architects, who must be artists or no architects at all, must rise to this ideal of constructive beauty; and all students must learn that architecture is a thing of intellect, heart, and soul, and not what many seem to think it, an affair of measurement by compasses and ruler.

There is, however, another phase of Art which must not be omitted here, because, within its own sphere, it contributes to the brightness of human life. It is an exceptional one. I mean that phase of Art which we call Lyric.

Lyric Art has always had its place from earliest days till now, and it ought to have it still. So long as man is a laughing animal, wit, whim, and fancy must have their fling. Lyric Painting, no less than Lyric Poetry and Music, is lovely. Lyric Sculpture is tolerable, and even Lyric Architecture is possible; but its playfulness must be playfulness and naught else. Its exuberance of grotesque whim may break out in every possible riddle; but it must be perfect in its way—as Leonardo da Vinci's caricatures, which never transgressed anatomy—or it would be insufferable. It is a possible but a dangerous experiment, depending for its success on its perfect refinement in its use of liberty. No Art that is worthy of its name at all is despicable. Art that is despicable is not the effusion of hearty feeling but of vicious affectation. There are borders, and edges, and precipices in art, just as there are in nature and in morals; and it is possible to approach the brink without falling over. Lyric Art can go no further. But so long as gay original fun breaks out in genial happiness from the human heart, it would be but morbid temper and sour criticism to mar the passing joy. Let the world be free and happy, only teach it to be so within the bounds of natural enthusiasm and self-respect. Transgress that limit, and all beyond it is but a wilderness of offensive, unreal, untrue, and vulgar vanity.

Education in the direction of Fine Art is immensely wide and various. Our hope for it is just in proportion to the open-hearted liberality with which we approach the vast variety of mind and capabilities, not only of the students but of the public. We have to elevate people to the appreciation of what is offered them for their happiness. But, remember, we have just as much to educate people away from things as in things. We have to show them where brightness and happiness is close to their path. There are classes of our fellow-men over whom shadows seemed to have settled impenetrably, and the dulness of their dreary homes had driven them to drown their weariness in vice. It would be a worthy work indeed to open their eyes to their own relief. But look widely at what we have to do. We are not

Digitized by Google

here a company of artists met to discuss the practice and eulogise the glories of Fine Art. We have to do with the bodies and souls of men. Our purpose here is utilitarian, only let that word be understood with liberality. To make one family happy would be a great utilitarian success, no matter how we had done it. We believe that by the narrow wedge of counter-attractions we may raise the tone and purify the habits and motives of our people; and, shaming them away from evil, may induce some brighter thought and hopefulness of life to disperse its shadows.

We pass two cottages, and we are tempted by their two windows, side by side, to judge of the characters of the families within. One window is bright with its pots of simple flowers, and, like the door beside it, it is shaded by a veil of clustering rose or honeysuckle. The other is broken, dirty, and neglected, with a tattered rag hung up within to hide all behind it. If you enter, one family meets you with a smile, the other with a frown. One day a child from that forlorn abode brings home some simple prize from school, a coloured print, and pins it to the dirty wall. The cobwebs are brushed away to make a place for it. Its bright colours and clean border are a pleasure, and make the disorder and raggedness around them painful. The child had felt the happiness of encouragement. Next year another bright-looking prize is added to the stock. Some little pride touches the heart of the family. Those small treasures are precious to them as things of beauty. Insensibly other simple ornaments accumulate. The other walls are cleaned to receive them. The seed is sown, the infection spreads. After a while the whole cottage is orderly, as it never used to be. Flowers are in the windows. And time wears on, and a bright gleam seems to shine where all was sad and shadowy before. Another year we pass by those two cottages again, and find the sad contrast there no longer; both bright and clean and cheery; and when we enter we are met with frowns no more. This is no mere flight of fancy. It was no development of artistic sense in that family that turned their wretched home into a comparative Paradise. It was the gradual influence of educating beauty falling on ground capable of receiving it. That influence, the educating influence of *experience*, must be the basis of all that we can hope to do, to undermine the degradation and disgrace around us, and by the narrow edge of better things to introduce with patience the materials of a higher and a happier life.

Of all the vices which pollute the source and thwart the progress of Fine Art in our day and country, the striving after

Digitized by Google

novelty is among the worst. No one versed in his art could be guilty of it. But it is no uncommon thing to hear complaints of the trammels of old principles; and arguments are warm and numerous that it is a miserable slavery to be tied down to follow in the steps of generations whom we have altogether surpassed in intelligence and civilisation; that our ideas and habits of life are different, that we are capable of striking out new principles, and that Art like other things must be changed to meet them. It is a pity that such superficial rubbish should have found not only advocates in argument but in practice. They say that people are wearied with the everlasting sameness, that Art, used on its old system, is used up. It is seriously advocated that Art should make a fresh start; that it is infinite in its capabilities, as nature and the human mind are; that an entirely new standpoint should be taken, and that all trammels being removed, fresh ideas, fresh principles, fresh effects would rise, fresh, beautiful, and complete as Minerva from the head of Jove, or Aphrodite from the foam of the sea. But the delusions of enthusiastic superficiality cure themselves. Conceit is a form of insanity, and vanity a possession of the devil, as all must feel who have eyes capable of the knowledge of good and evil, and feelings discerning truth from lie. But all such are daily pained and offended by the evil deeds of evil spirits, possessing men who revel in the destruction of what all the truth and romance of human history have made sacred, and cover the world, in place of it, with their own offensive doings.

Originality is a dangerous talent. There is a good and a bad side of it, as with many worse and better things. The best is that which is ignorant of its own existence; the worst is that where genius is wrecked on the rocks of vanity. Original ideas are not got by looking for them. The most true and precious originality is that which so loves and venerates the old things and ways that human heart and poetry have consecrated that, by the warmth and brilliancy of genius cast upon them, they break out anew; beauty is born afresh, and age revives in all the bloom of youth. This rule of reverence, which true genius always follows, is in no way superseded by the fact that the interest of antiquity may sometimes mislead our judgment. Its influence is inexpressible. It overrides all faults and excellences. The associations it excites, the memories it stirs, affect the eyes no less than mind and heart, investing the relic with a charm that blinds the eyes and warps the judgment. The fascination of antiquity is irresistible, and often leads the captivated mind astray, to mistake the beauty of its own affections for beauty in the thing it loves. It is often as

Digitized by Google

true of Art as of external nature that distance of time as much as any other distance 'lends enchantment to the view.' Two works done with equal poetry of soul and delicacy of hand will often bear no comparison, because time is in the balance; Time, that wonder-working paradox, that beautifies while it destroys, and overweights the old against the new. It needs the touch of supreme refinement to play with novelty. All that we poor mortals can do by mental labour is but little otherwise than that which is the sum-total of the labour of our hands, the moving of old things into new places. The history of human genius is like the course of a river, at one time sleeping in the quietude of deep pools, losing all identity with a running stream, and reflecting all things in it except itself, at another time rushing, sparkling and powerful, carrying all before it. Originality may turn the old river into a new channel, but it is only the channel that is new. The genius most precious to mankind is continuous; if not in itself, at least in the vitality it imparts to others, as trees which seed themselves. Originality that is sudden and spasmodic fascinates, but is of little use. Our own poet-artist Blake was one. He wrote and drew with marvellous genius, but I doubt whether anyone has or would care to follow in his steps. Nature allows no break. The river's meandering course is the solution of all our riddle; and though enthusiasm may disturb and aspiring youth may fret, Nature, whether that around us or that within us, has been and ever will be a ceaseless stream of living order.

If any nation ever had to begin its arts again it certainly was England. A few great names, like Inigo Jones and Wren, Hogarth, Reynolds, Gainsborough, Flaxman, Adams, Wedgwood, and others, seem to stand out like tops of mountains above the mist. Such names cast a flood of glory on their age, but the public was dead to it. If, some few hundred years ago, the fanatics and panoclasts of the country had been instructed to smash everything that was hideous, instead of destroying everything refined and beautiful that the care and intellect of ages had produced, we should still have in England models of national arts, such as other nations still possess, to their incalculable advantage. In spite of that, Art has begun again in earnest in England; but with it has sprung up a new difficulty, not by the want but by the plethora of models, making the education of public taste almost hopeless. The confusion of all the styles of Art of the habitable world, ancient and modern, has been cast before it like a flood, and public taste breaks down, like an overworked linguist, under the multitude of his languages, jumbling his words and idioms into nonsense.

Digitized by Google

It was but about twenty-six years ago that Art Schools began to be established all over England. The effect of them has been marvellous. The schools have doubled in the last five years. The payments made by students alone last year amounted to above 35,000*l.* In elementary schools last year no less than 549,000 children were taught the elements of drawing; and above 15,000 persons of the artizan class passed the Government examination in various departments of Art. But what shows the very great and growing interest of the lower and middle classes in Art of the highest kind is their attendance at such exhibitions as the National Gallery, and the South Kensington and Bethnal Green Museums. The best test is got by the numbers of visitors on great public holidays, when none, or next to none, but persons of those classes attend. For instance, last year at South Kensington Museum very little short of 27,000 of such persons visited it on Easter Monday alone, and nearly 24,000 on Whit Monday. At the Bethnal Green Museum above 670,000 persons visited it during the year. At the National Gallery above 21,000 visited it on Easter Monday alone, and about 15,700 on Whit Monday alone.

Among those astonishing numbers some may have been idlers. But such figures must show that English people of the lower orders are beginning to look very earnestly at the finest works of art within their reach, and English people are apt to do things with a very practical purpose.

The value of such a national education as this is too evident to need a comment. But let us for a few moments, in conclusion, turn to Art itself in its relation to ourselves. What is this Fine Art about which we hear and see so much, whence is it, and what are its real purposes? We hear of it as a superfluity in human life. We hear it decried as a mere thing of luxury, a thing impossible for the poor, undesirable as a national interest for the lower classes, and destructive of a vigorous spirit. We hear of it as a mere toy for weaker minds and wearied humanity to play with. What then is this Fine Art? Look at it deeply and fearlessly. Fine Art is the mirror of ourselves. Collectively it tells to futurity facts and truths which the present little thinks of. Individually it represents its producer. Art is an *alter ego.* Practically it is a thing of compound nature of three parts—science, skill, and poetry. Thus it is like ourselves, a thing of bodily parts and aptitudes, and a spiritual nature. Science is its bone and muscle, skill its enlivening spirit, and poetry its soul. It has that about it which is visible, and that *within* it which is invisible. It is because it so closely repeats our own nature,

Digitized by Google

because it so intimately represents ourselves, because it so rises with our emotions, so burns with our passions, and so bends to our sympathies, that we love it. The source and fountain of Fine Art is in the human soul. All nature is its home. The artist's study of nature is no mere superficial thing of sounds and forms and colours. They are to him things of idea no less than of reality, objects of study equally for his poetry and his science. He cannot know too much nor feel too deeply. His knowledge and his feeling must progress together, and the more intimate their union the more perfect his work, for feeling without knowledge can produce no science, and knowledge without feeling can produce no art. With him the real and the ideal are always in close contact. His work is to make ideal things realities and realities ideal. There is a perpetual play within his mind between the visible and the invisible world. Sounds, forms, and colours are not the things the musician, the sculptor, or the painter cares to rest upon, but for the expression of the thoughts of his heart, the symbols of the language of his soul. The poet, the musician, the artist are all one in their relation to the world of things and of their fellow-men. They are exceptional in the intensity of their perception and emotional life. The untold passion, the suppressed emotion, is an agony. The poetic sense, which burns within them, is a fire which bursts forth in expression for relief; and each, as his genius may be, breaks out, the one in verse, the other in song, and the third in composition of fair forms and colours. The whole realm of Nature's beauty is theirs. It is a large patrimony to inherit; but it is the free possession of all men who have heart and power to perceive and love it—a noble inheritance, without dispute or title, alike for the humble and the noble, the rich and poor. This whole realm of Nature's beauty is the home of Fine Art. But where is the artist worthy of his mission whose material art ever equalled the bright visions which lighted up his imagination? The greater the artist the humbler the man. Nature has been his nursery, his school, his workshop, and his council-chamber. That rhythmic order, which is the Beauty of the Universe, is the study of his inmost soul. Hence flows his art, and hence its power. That ideal of pure and perfect beauty is the meeting-place of human souls. The perception of it is one of the most precious endowments with which God has blessed humanity. Thoughtful and benevolent men do well to foster it, both for its temporal and eternal issues among their fellow-men. And we do well to bless God for the inestimable gift, so far as we possess it ourselves.

Digitized by Google

Address.

BY

GEORGE WOODYATT HASTINGS,

PRESIDENT OF THE COUNCIL OF THE ASSOCIATION.

IT seemed to my noble friend Lord Hampton, the other evening, that my retrospect of the past history of the Association was somewhat melancholy. Perhaps my feelings on meeting once more many of those old and valued friends whose reputation and influence made our Society what it is were on this occasion in some degree saddened by the recollection of the losses we have sustained, numerous and great, during the past year. Foremost among them is that of the illustrious Earl Russell, statesman, author, and patriot, whose fame is written in the history of the present century; a man who through two generations of political life, whether in or out of office, stood to his principles and believed in his country; on whom the best epitaph would be the words of characteristic and noble candour he pronounced on his death-bed, 'I have made some mistakes, but I always intended well for the country.' Lord John Russell was one of the earliest adherents to our Association. Perhaps a few words as to its origin may not be inapposite at Cheltenham. In the summer of 1856 the British Association for the Advancement of Science met in this town, and some of us who were then active in its statistical section proposed to the authorities of that distinguished body that they should include in its programme, as sub-sections or in any other way that might seem best, the subjects of jurisprudence, political economy, education, and others closely connected with statistical research. The proposition was not approved. In those days, I believe, the sections of geology and geography were admitted only with some tolerance by the older and stricter members of the Association. One of the most distinguished once told me that

Digitized by Google

none but the exact sciences were deserving of the name of Science; that, said he, which can be demonstrated by a mathematical formula to be true may be called scientific; all else is more than doubtful. Before such a tribunal those who follow the science which Cicero thought the greatest within the ken of the human mind, were adjudged to be the mere heretics and outcasts of research. We naturally did what some others have in such circumstances done before us—quitted the orthodox believers and proceeded to found a pugnacious and prosperous sect. In the autumn of that year I had some conversation with Lord Stanley, and afterwards with Lord Brougham, on a projected society for the discussion of social questions. Brougham, though then in his 79th year, entered into the idea with his customary ardour, and I remember well how he paced the terrace of his hall in eager debate of all the details and anticipated incidents. Old as he then was, if we count by years, 'his eye was not dim, nor his bodily force abated,' neither had a single faculty of his rare intellect in any way failed. Accidental circumstances delayed further action on our plan till the end of July in 1857, when I summoned a private meeting at Lord Brougham's house, in Grafton Street, to consider it, and when the formation of this Association was resolved on. Five of those who were present on that occasion have attended this Congress, and among them, as I mentioned on Wednesday last, is our President, Lord Norton. Within a few days the Bishop of London (now Archbishop of Canterbury), Lord Stanley, and Sir John Pakington had joined our ranks, and had consented to serve as presidents of sections at our first public meeting. At the same time Brougham introduced me to Lord John Russell, whom I persuaded, on an afternoon which I spent with him at Pembroke Lodge, to undertake the presidency of our Jurisprudence section. It seemed to me of much importance, as it does still, that the business of that section should be dealt with in a broad spirit, looking to the wants of the people in respect to the administration of law rather than to mere professional opinion. The Law Amendment Society, through its committees and meetings in London, and with the aid of many experienced lawyers, has always furnished the means for obtaining the views and employing the influence of the legal profession in improving the law. But this Association was the first public body which designed to bring the question home to the people themselves, to explain popularly what alterations are required in our laws, and for what reasons, and to treat of law and legislation as part of the mechanism of society. The choice of Lord John

Digitized by Google

Russell as the first president of the section brought to its aid the experience of a statesman who looked at jurisprudence from the layman's point of view, and I believe that this had considerable effect, as it was intended to have, in moulding the future policy of the Association. His address delivered in the Town-hall, Birmingham, when in October, 1857, we held our first Congress, though not to be compared with that of Lord Brougham on the previous day, either for rhetoric or breadth, was a sound and practical contribution to the proceedings, and enunciated the true principles of jurisprudence, especially as to mercantile legislation. In the following year Lord John Russell was chosen President of the Association, and took the chair at our second Congress, held under circumstances of great success at Liverpool. He thoroughly devoted himself to the work, and in a luminous address, marked by passages of sustained eloquence, he advocated the reduction of our laws to the form of a code, so framed as to be intelligible to the people. He subsequently introduced into the House of Commons, on our behalf, an important measure of law reform which had been framed by one of our committees, and which was finally adopted by Sir Richard Bethell when Attorney-General. He also consulted me on a design which he had for a Bill to codify the Criminal Law, and which I believe he would have attempted, had not a change in the political position once more placed him in office as Foreign Secretary. In that capacity he did his best to serve the Association when the opportunity presented itself, and he was at the trouble of obtaining, in response to my personal request, a valuable amount of information from our foreign Ministers and Consuls on the subject of Quarantine, on which one of the reports of our Health Committee was founded. To the last he remained a member and a friend of our Society.

In Mr. Russell Gurney also the Association has lost a valuable colleague. His long judicial experience gave great weight to his opinion on all questions concerning the administration of the law; such for instance as that of admitting the evidence of prisoners in their own behalf, a measure which he strongly supported. The advocates of the Married Women's Property Bill were indebted to him for powerful assistance, and it may be doubted whether without his aid that measure would have become law, even in the modified, and as I venture to think the deteriorated, shape in which it ultimately passed the Legislature. The Bill, as drawn by our committee, was at least consistent in its provisions. It would have totally abolished the absurd and barbarous doctrine of our common

Digitized by Google

law, that the act of marriage operates as a confiscation of the wife's personal property, and it would have left her free, under the advice of relations and friends, to keep her own money in her own hands, or to give it wholly or in part to her husband, if she thought that course the best for her interests, or to secure it by settlement. She was of course given the power of suing at law, with the correlative obligation to be sued by others. In other words, she was treated as a reasonable creature, capable of exercising common sense, and of looking after her own affairs. In this shape the Bill passed the Commons, and was read a second time in the Lords. It was then referred to a Select Committee in the Upper House, who eviscerated it so absolutely that I doubt whether, when it was 'reported with amendments' to the House, there were twenty words left of the original measure. The Act as it stands is not without its use, but it is a weak and senseless compromise. It leaves in existence the old common law rule, but it enables any woman married after the Act to evade the rule in a great degree by a process provided therein. England alone in the civilised world still confiscates a married woman's property. The old Roman law had no such rule; no country on the continent of Europe has such a rule; every State in America, and our own Dominion of Canada, has abolished the rule; England still keeps it, but has grown ashamed to say so openly, and provides a cunning loophole to creep out of the scandal and mistake. This is what, I believe, is called practical legislation. No one condemned these alterations in the measure more than Mr. Russell Gurney, and it was well known that the House of Commons was ready to follow his lead in disagreeing with the Lords' amendments; but when the final decision whether that course, which meant the loss of the measure for at least one Session, should be taken or not, was left to him and myself jointly, he told me after some consideration that the Bill ought to be allowed to pass. The evil that it was drawn to remedy was, he said, so deep and wide-spread, that even a mitigating measure would be a great boon; and on this principle we decided to take what could be got at the moment; a decision I have never regretted. This is only one of many instances I have known of Mr. Russell Gurney's calm and sagacious judgment in legislative matters. He occupied in the House of Commons the rare position of carrying equal weight with both parties; and as his great influence and attainments were always readily at the service of our society, it is difficult to exaggerate the loss we have sustained by his death.

Digitized by Google

Sir Edward Creasy, for many years Chief Justice of Ceylon, who presided over our Jurisprudence Department a few years since, has also passed away. Distinguished in literature as well as in his more immediate profession, he contributed several papers to ornament our Transactions. Sir Francis Goldsmid, an old member of our sister institution, the Law Amendment Society, as well as of this Association, deserves some record as a consistent supporter, both in Parliament and elsewhere, of the objects we exist to advocate; a man of upright life and worthy aims. Nor, speaking as I do in his own county, can I omit to lament the loss which we all in common with the public of Gloucestershire have sustained in the death of its late chairman, and our old colleague, Mr. Dickinson. I knew him well, and not a little in matters of public interest common to us both. We almost universally agreed; but differed once with, I believe, mutual pain. Mr. Dickinson thought that the Prison Bill ought to have been resisted by the Association, as a dangerous innovation on the principle of self-government, and likely to deteriorate the management of our prisons. I thought, on the contrary, that the Association, after sending a deputation to the Secretary of State to complain of the want of uniformity in prison discipline, and the pernicious effect of small local gaols, was bound to support the measure brought in to remedy those evils. The council, by a large majority, agreed with me in that conviction. I think the bulk of the Association were of the same opinion. I can never regret that among my old colleagues in this society, and in the Court of Quarter Sessions of Worcestershire, I helped on a measure which I knew to be right, and which has been productive already of considerable improvements in prison organisation; but I do regret much that my own convictions on the question brought me into temporary collision with friends whom I esteemed so much as Mr. Dickinson, Mr. Barwick Baker, and others who opposed the Bill.

We have also this year sustained the loss of one of the most valued of our foreign corresponding members. Mr. Corr Vander-Maeren, of Brussels, was the son of one of the Irish patriots of 1798, who escaped to the Netherlands after the conclusion of the civil war in Ireland, and there married the heiress of the Vander-Maeren family. His son grew up a Belgian citizen in feeling and nationality, but with a perfect knowledge of the English language and literature. He frequently attended our meetings, and contributed papers of much value to our Transactions. His successful exertions to obtain for his country a fiscal system founded on free trade won for him the

Digitized by Google

appellation of the Cobden of Belgium. In consequence of his connection with our Society he founded, with the assistance of his son-in-law, M. Auguste Couvreur, who is a member of the Belgian House of Representatives, an International Association with the same objects and a similar plan of operations as our own. He was an excellent economist, a free-trader alike from experience and from intelligent conviction, and a man whose sound judgment and extensive information gave him weight in any public discussion: an eminent example of the modern Belgian, of a race surpassed by none in the faculty of self-government and the gift of political sagacity.

Let us turn to the legislation, actual or attempted, of the past Session of Parliament. Acts and Bills may be thought an uninviting subject; and there is much in each annual contribution to the statute-book that is at the least dry. Yet it may be doubted whether in the whole range of our literature there is to be found any reading more instructive, if not to say more interesting, than the mighty array of volumes known as The Statutes at Large. You will find pourtrayed therein the history of the nation from age to age, in its growth, its policy, its wisdom, its weakness and its errors. The early struggles for self-government, the restraints put on the prerogative, the successive vindications of popular right, the vain longings for foreign dominion, the steady growth of the truer field for expansion in colonial discovery, the changing aspect of mercantile adventure, the various forms—often in turn supplanting each other—of manufacturing energy, the rise of new social exigencies, and the passing away like dreams of classes and institutions once believed to be essential to national existence, are to be found mirrored for all time in this vast, continuous record of legislative labour. We may draw some useful lessons from the changes that have taken place. The statute-book shows us that in the time of the Plantagenets the wealth and trade and finance of the country depended on its production of wool. England was then the great sheep-grazing country of the world; much as Australia is now. Doubtless it was then believed that if the wool trade were to perish, England would perish too. But the inevitable change slowly came; open lands were inclosed to meet the wants of a growing population; tillage succeeded pasture; wool-growing declined; but England remained as rich, as prosperous, and as powerful as ever. We talk of the disturbance made in the present day in the use of endowments, and lament the irreverence shown to the pious founder; but turn to the statute-book and you will find records of revolutionary change that swept away corporate bodies and

Digitized by Google

ancient endowments, and yet left England great and stable. We are never tired of complaining of trade combinations and strikes; we prophesy ruin from the discontent of workmen, and regard an agricultural union as a sign of the end of all things. Yet the Statute of Labourers teaches us that the struggle of capital and industry, the conflict between those who pay and those who take the wage, was as keen in the Middle Ages as it is in the 19th century. Even our worthy friend the licensed victualler, who believes that all imaginable wrongs have been heaped upon him in recent years, may learn by a diligent study of his country's statutes that his predecessors were as much oppressed by the Vintner's Acts as he can be by the Parliaments which he helps so powerfully to elect, and which do so much to worry him. The great lesson to learn from the famous record is that, happen what may, England will be England still. She ever changes, but is ever the same; she moults her plumage continually, but renews her strength like the eagle's. Most of us are saying at present that our trade is passing away, that our industrial production is doomed, that the sun of our greatness is about to set. Take comfort from the thought that our ancestors have said all this again and again. But it was then as it will be now. Adversity has roused determination; difficulty has begotten invention; the energy, the courage, the invincible tenacity of Englishmen have found fresh opportunities of profit and new outlets for production. After all due self-depreciation, we are better than our forefathers, and are not likely to be beaten where they won.

Now what is true of the statute-book as regards the nation at large, is also true in a much smaller way as regards this Association. It is a useful, and in many ways a cheering record to us, of the sure and certain progress of the principles and measures that we advocate without ceasing. For instance, the Law Amendment Society many years ago showed the benefits that would follow from that condensation and simplifying of the law which is usually known as codification. It sounds like a formidable word, but its meaning is the common sense of everyday life. We all know in our customary occupations the advantage of form and method. Every society and institution feels the benefit of reducing its rules, which perhaps in process of time have grown prolix and contradictory, to a clear and compact statement. What is good for a society or individual is good in just the same way for a whole people; the more simple and intelligible their laws are, the shorter and clearer the form in which they are cast, the easier it is to

Digitized by Google

administer and obey them. I was not able to follow my friend Mr. Commissioner Miller the other morning in his objection to codification. He says that such a process would crystallise our law; by which is meant, I suppose, that no new laws would be provided after a code was enacted. Why this should be the case in England is hard to see, since it has not been so in other countries. Justinian's famous code of the old Roman law was in a great measure a new edition of former codes, and in his own lifetime he published codes supplementary to his first. Other European countries possess codes; but I never heard that these nations are unable to legislate, or that their laws cannot be adapted to fresh exigencies. But then Mr. Miller goes further, and says that codification is impossible; which if all that he says of its evils is correct, is a comfortable doctrine. But if codification be impossible, there remains the fact to be explained that it has actually been accomplished. To say nothing of the works of Justinian and Napoleon, there exists at this moment in active operation the Criminal Code of the State of New York, framed out of English law, statute and common. We have ourselves made a code of laws for India, on a plan more purely philosophical than that of Mr. Dudley Field and his colleagues. We have codified the Customs law, and the Merchant Shipping law, and no one has found out that the work prevents additions to or amendments in Merchant Shipping or Customs legislation. What can be done for the part can be done for the whole, and I venture to affirm that codification, which means in reality the common-sense arrangement and business-like condensation of scattered enactments and decisions, requires nothing but courage and energy, and the discerning use, including the adequate remuneration, of the ability and learning largely at hand among the practising Bar. But of all branches of our law none is so susceptible of codification, and none so much demands that process, in the cause of justice and the interests of the people, as the criminal law. It must, therefore, be a matter of congratulation to this Society that the Attorney-General has introduced, with the authority of the Cabinet, a Bill for codifying the whole law relating to indictable offences. Such a step is a sure presage that the boon we have so largely desired will at no distant time be granted. It is not required of us, when making these congratulations, to approve without reserve of either the form or the substance of the Bill presented. It can hardly be doubted that its provisions will be subjected to considerable modification by the commissioners to whom it has been referred. An able paper on the Bill was read by Mr. Chandos Leigh to the Juris-

Digitized by Google

prudence Department on Thursday last, and a prolonged, and I am sure I may add a most instructive, debate took place upon it. The result may be summed up fairly in the opinion that the introduction of the Bill was an excellent step towards a most desirable end; that the main principle of the Bill is inexpugnable, but that in expression and details considerable improvement is required. Much of the language is too abstract, and some of the clauses are defective in their provisions. In a measure intended for the use of others than the professional lawyers it is above everything important that the wording shall be capable of being understood of all men.

It may be well to add a few remarks on one portion of the Bill which was the chief topic in the discussion. I refer to those clauses which provide for the examination of the defendant in a criminal prosecution. This is a question which has been frequently brought before the notice of the Association, and with a growing feeling in support of a change in the law. I was glad to observe that at this meeting the opinion in favour of the admission of defendants to give evidence on their own behalf was nearly unanimous. Such has for some years been the law in most of the States of the American Union, and the change has admittedly worked well. It is a curious fact that the alteration in the law was originally made by a legislative accident in the State of Massachusetts, in the process of enacting a consolidating Bill on the law of evidence. It was viewed with suspicion at first, but answered so well in practice that it was adopted by other States, and is now universally approved. Some little time since our Association sent to the Chief Justice and Attorney-General of every State a series of questions on the subject, which were most courteously answered, and the replies showed that the new law is found to work well in practice, and that nothing would induce either the legal profession or the people at large to retrace the step that has been taken. Surely this is strong testimony; for the American Bar is singularly tenacious of ancient English law and procedure, and the American people have inherited with our language our modes of thought and prepossessions, especially in respect to the administration of justice. But stronger perhaps still is the fact that the evidence of defendants is already extensively admitted in this country, and that no ill results seem to follow. In affiliation cases, in matters of dispute between masters and servants, in all proceedings under the licensing laws, the defendant may be, and often is, examined. The same rule obtains under the Merchant Shipping Act, and is provided in the Contagious Diseases (Animals) Act of last

Digitized by Google

session, and in several other statutes. If such testimony can be taken with safety before a couple of Magistrates at Petty Sessions, surely the danger imputed to it in a Court of Assize or Quarter Sessions can hardly be very real. I am convinced from my own experience in the chair at Quarter Sessions that grave injustice is often imminent, and is sometimes actually done, by closing the mouth of the prisoner; and I know that the same opinion is entertained by my distinguished predecessor in office, Sir Richard Amphlett. But so far from approving of the particular way in which the Attorney-General's Bill proposes to effect the change, I can only regard it as an artificial and rather weak device to avoid a straightforward solution. Let the prisoner be examined, if he so desire, just as any other witness is examined; just as defendants in affiliation cases, who may have as much at stake as many prisoners tried before juries, are now examined; and nothing but good will be found to result from letting in the truth through the lips of the one person who knows more of the matter than anyone else can.

I must not omit to mention that the Attorney-General's Bill contains one other improvement of remarkable value in our criminal law. It proposes to give to the judge who tries the case, whether he be Judge of Assize or Chairman of Quarter Sessions, or Recorder, and in certain cases to the Court of Criminal Appeal, the power of ordering a new trial. In civil actions, the party against whom the verdict of a jury has gone, has the opportunity afforded to him of moving for a new trial, and if he succeeds he has a fresh chance with another jury. But in criminal cases, though the issue is often immeasurably more momentous to the person involved than it can be in most civil actions, the law does not permit any appeal on the facts, but takes the verdict of the jury as conclusive. There is, indeed, an irregular sort of appeal to the Secretary of State, in the capacity of adviser of the Crown in its exercise of the prerogative of mercy; but anything more inconvenient or less satisfactory than this mode of interference with the decision of a court of justice can hardly be conceived. One of the most important elements in weighing evidence is the demeanour of the witnesses, especially on cross-examination. Now the jury of course, with a few exceptions hardly worth notice, see and hear the witnesses, and judge for themselves of the trustworthiness of the testimony. The Secretary of State neither sees nor hears a single witness, and is in the dark on this important side of the question, except so far as he may be guided by the informa-

Digitized by Google

tion of the Judge who tried the case. So that you have an appellate authority sitting to overrule the decision of those who had twice the means of knowledge which he is likely to possess! Such a system is unfair to an innocent man, who ought to have the right of asking a second jury to correct the error or misapprehension, or the possible injustice, of the first. It is also unfair to the administration of justice, which suffers by false representations to the Home Office, not always capable of disproof. Some little time since I had a curious instance before me of the heedless way in which people who ought to know better will lend themselves to an agitation against the verdict of a jury. A man was tried before me at the Worcestershire Quarter Sessions for a very grave offence, was convicted by the jury on what appeared to be strong and direct evidence, and was sentenced by the court to a long term of imprisonment. Some months after a memorial was sent to the Secretary of State praying for the release of the prisoner, on the ground that the three witnesses for the prosecution had been guilty of deliberate perjury, and that he was in fact wholly innocent. This memorial was numerously signed by clergymen, professional men, benevolent ladies, respectable tradesmen, and by everyone in short who could be supposed to give it weight. It was sent to me, as usual, by the Secretary of State, and my opinion requested. That opinion was brief enough, consisting chiefly of the statement of two little facts, which the sympathising memorialists had somehow forgotten to mention. The first was that the offence in question was committed not by one man, as anyone reading the memorial would have supposed, but by two; that it was committed in each other's presence, and in that of the witnesses. It was clear therefore that if the witnesses were perjured as to one, they were so as to both; the tale was either invented altogether, or it was true. The suggestion of the memorial was that the tale was a pure invention, the reason assigned being that the character of the prisoner was so good as to make his commission of the offence impossible. Unluckily for this theory, as I pointed out to the Secretary of State, the other man had pleaded guilty! Of course he could have been called as a witness for his fellow-prisoner, and would have been called by the able counsel for the defence, had there been any truth in the statement afterwards made. The second fact omitted was just as trenchant. Two friends of the prisoners had pleaded guilty before me, at a subsequent sessions, to a charge of attempted subornation of perjury on this very trial! Such are the memorials which go up to the

Digitized by Google

Home Office on behalf of convicted prisoners! Such are the documents which men and women of substance and position support with their signatures! I need not say what the issue was. Of course my letter routed the memorialists, and the villain will serve every day of his sentence. But it might well have been otherwise; and there is nothing I wish more in the interests of justice than that the answers to such applicants can be, 'You have your remedy; ask for a second trial, a trial which will not be decided by private influence or invented facts on paper, but by witnesses who must go openly into the box and face that ordeal from which falsehood instinctively shrinks, or by which it is promptly detected.' Above all, such an alteration in the law will be a boon in cases involving the death penalty. There have been several grave scandals within my memory on conviction for murder. The accused person, man or woman, has been of a class somewhat above that of the ordinary criminal, and immediately on conviction there has ensued an exertion of influence, more or less open, to obtain a commutation of the sentence. For reasons either not given at all, or given with convenient obscurity, the sentence is set aside, and a great shock is given to the reputation of public justice. In such cases, whether the verdict has been right or wrong, the only just or wise course is a second trial; when an acquittal on the evidence may correct a lamentable error, or a second verdict of guilty by an independent jury may remove all doubt from the public mind. You will agree that if this provision in the Bill be ultimately carried, a signal blot will have been removed from that portion of our law which is on the whole the subject of reasonable pride, our system of criminal jurisprudence.

At our Liverpool meeting, held two years since, the attention of the Association was naturally called to the condition of merchant seamen, and since that time a committee, at the request of our council, have frequently considered the subject. We sent a memorial to the Board of Trade in 1877, pointing out the evils which we thought required some remedy, and suggesting amendments in the law, but we also recommended the appointment of a Royal Commission to consider the whole question in its various aspects.[1] We specially enumerated as

[1] The following were the resolutions passed by the Committee to which this subject was referred. They were adopted by the Council of the Association, and presented to the President of the Board of Trade, with a memorial praying for a Royal Commission:—

'1. That one of the subjects recommended to the Government for inquiry by a Royal Commission should be, in what way a better supply of trained seamen

Digitized by Google

deserving inquiry the health of seamen afloat, the sanitary condition of ships, and the rate of mortality in the Mercantile

can be secured for the merchant service—whether by means of training ships or training schools for boys, or by granting a bonus to shipowners who carry apprentices, or by mulcting those shipowners who do not carry apprentices, or by all or any of these ways, or in what other way?

'2. That it be recommended to the Government to provide by legislation, that no seaman shall be allowed to be received on board any foreign bound merchant ship who is at the time suffering from any contagious or infectious disease.

'3. That the whole question of the health of seamen afloat, including their diet, clothing, medicinal attendance, the sanitary condition of the ship, and also the rate of mortality in the mercantile marine, the best mode of registering that mortality with greater accuracy than at present, and of causing inquiry before paying off into cases of violent death, ought to be considered by the proposed Royal Commission.

'4. That inasmuch as a large proportion of the improvidence and demoralisation, with their resulting evils, in the Merchant Service are caused by the vicious system now enforced by law, of delaying the payment of wages some days after the arrival of a ship in port, this question should be strongly recommended for inquiry by the Royal Commission.

'5. That considering the present evils of the Advance Note System, it is the opinion of this Committee that the Royal Commission should inquire into this subject with a view to the substitution, in lieu of that system, of frequent payments by monthly allotments of back wages or otherwise, on the plan now pursued with signal success in the Royal Navy.

'6. That inasmuch as the State confers upon sea officers unusual authority over their fellow subjects, it is desirable to inquire whether the test as to education and character for the position of second mate is sufficient to ensure the proper exercise of that authority.

'7. That it is desirable to inquire, whether great advantage might not accrue by materially extending and enlarging the scope of the voluntary examination for extra master, and by according to officers thus qualifying a distinctive title and legalised uniform, with more extensive disciplinary powers than those accorded to ordinary masters.

'8. That it is a proper subject for inquiry, whether it is desirable to fix a standard of qualification for A.B., and to give that rating only after due consideration.

'9. That it is advisable that the Master's powers for enforcing discipline should be defined with greater precision; and the various modes of punishment stated, and instructions on discipline issued, by authority, as in the Royal Navy.

'10. That it is desirable that inquiry should be made as to the prevalence of desertion, as to the ports in which it most prevails, and as to the special causes operating at those ports to provoke or excuse the offence, and whether or not conventions on the subject with Foreign Governments would diminish the evil.

'11. That it is a proper subject for inquiry, how far the clauses of the Merchant Shipping Act, 1854, as to discipline, requiring offences to be entered in the Log-Book, have proved ineffectual and require amendment.

'12. That the growing importance of our commerce by sea, the special legislation that it requires, and the increasing number of matters in connection therewith demanding official supervision, call for inquiry as to the constitution of the Marine Department of the Board of Trade.

'13. That it is desirable to consider what means can be taken to preserve to merchant seamen rest from unnecessary work on Sundays, especially in foreign harbours.

'14. That it is desirable to inquire as to the advantages, public and personal, of establishing a Pension and Life Insurance Fund for seamen in connection with the Shipping Offices, and adapted to the peculiar circumstances of sailors and their families.'

Digitized by Google

Marine; the evils arising from the present vicious system of delaying the payment of wages for some days after the arrival of a ship in port; also those caused by the advance note, and the superior advantages of payment by monthly allotments or otherwise, as is done in the Royal Navy; and as to the expediency of establishing a pension and life insurance fund for seamen, adapted to their peculiar circumstances. During the last Session of Parliament a Bill was introduced to effect various improvements in the Merchant Shipping law, and at our suggestion several clauses were added in committee to carry out some of our views in regard to the payment of wages. The Bill was finally withdrawn, and the whole question remains open for consideration. It may be plausibly urged that by continuing special supervision over seamen, and even increasing the legislative control over them and those who employ them, you tend to keep this important class in a state of tutelage, and by diminishing self-reliance to increase the very evil of improvidence which your measures are designed to check. This is a real danger, and must be fairly considered. But on the other hand we cannot forget that the condition of the seamen of the Royal Navy has been greatly improved within living memory by the means it is now proposed to adopt for the Mercantile Marine. The council will continue to urge the subject on the consideration of Parliament.

Two Acts of an important nature have passed this year, and are now in operation, which bear on the question so often discussed here, as to local government in counties and rural districts. We have long urged, and it is now generally admitted to be true, that a county authority of some kind is necessary for any adequate sanitary administration. But the unfortunate error has been committed of postponing the creation of any such authority to the era, as yet undetermined, of an elective County Board. The Royal Sanitary Commission which, under the chairmanship of Lord Norton, did so much valuable work, are largely answerable for this mistake; for mistake it surely is to confound the question of a local centre of authority with the question how that authority is to be constituted. The Commissioners advised in their report, but I believe I am correct in saying it was by a bare majority they did so, that sanitary administration could only be entrusted to an elective body, and as Boards of Guardians are mainly elected, and the Court of Quarter Sessions is not, they decided for the former as the sanitary authority, and thus was lost the essential advantage of an authority ruling a wide area, and possessing influence and intelligence that make it morally paramount

Digitized by Google

in a county. Mr. Stansfeld, then at the head of the Local Government Board, with the best intentions, but with scanty experience in rural matters, fell headlong into this pitfall; and the Sanitary Act, despite the protest of this Association, supported by all the weightiest sanitarians in England, vested the rural sanitary authority wholly in Boards of Guardians, supervised only by an over-wrought department of State, which clogs its own wheels with detail while it paralyses local action. So far from accusing Boards of Guardians of neglecting their duty, I think it is only marvellous how much work they contrive to get through. But it is a serious question whether by heaping upon them new functions continually, some sanitary and some educational, you are not so over-weighting them as to endanger the efficient discharge of their primary and true responsibility, the relief of the poor. Now the Highways' Amendment Act, which for the first time invests Quarter Sessions with a general county authority in highway matters, empowering the court to alter existing districts and create new ones, to control the action of Highway Boards and supervise their care of the roads, to lay down bye-laws applicable to the entire county, and to exercise, in short, a superior and appellate jurisdiction over the whole highway administration, has furnished a precedent which may be useful in other matters. Why should not Quarter Sessions be made, with somewhat similar powers, the county sanitary authority? I agree with Lord Norton that what we want is not the multiplying of medical officers of health, but a more effective organisation, and a closer attention to sanitary detail. This is just what would be brought about by an authority central in a county, which might maintain one well-paid medical officer at a less cost than some score of subordinates at present employed, and taking on itself the weightier matters of the law, always dealt with better in a wide area, leave the smaller Sanitary Boards to look after nuisances and such-like work. This consummation may be helped on by a provision in another Act, which may lead to more result than at first appears. The Contagious Diseases (Animals) Act of the last session, in giving power to the Court of Quarter Sessions to delegate its authority to an executive committee, provides that the Court may place on such committees persons other than justices. The importance of this enactment is considerable, even for the immediate object alone. It enables Quarter Sessions to obtain the services of practical men in carrying out the measure, and to utilise their experience and ability in the public service. But there is in it much more than this. The

Digitized by Google

principle, it will be perceived, may be extended to other branches of county administration, and thus the ratepayers may be brought to reinforce the ranks of the justices, without waiting for the distant and perhaps doubtful benefit of an elected Board. Of all agitations I ever remember, that for obtaining County Boards has collapsed the most completely. The County Government Bill was its deathblow. Everyone was in favour of the change till the change appeared to be imminent, and then it was all at once discovered that it was wanted by nobody. The truth is that the existing government of our counties is universally trusted, and while its antiquity appeals to the sentiment of the people, its independence and integrity furnish a solid ground for maintaining it intact. Now that the craze which prevented any addition to its powers seems to be exploded, it may be hoped that the Court of Quarter Sessions will be constituted the superior authority in all sanitary, educational, and possibly poor-law, as well as highway, matters. Such a development of local government in its most influential form would lay at once and for ever the spectre of centralisation.

Passing over some questions of education, debated at this meeting, on which I had designed to touch, I have only space to add a few words on that Section of Art which is the latest addition to our organisation. Nothing has struck me so much, when considering the various phases of our social life, as the development of taste and the desire for art-study which have sprung up within this generation in England. It is not only that schools of art have multiplied, but that artistic ideas seem to be permeating the population to a degree which I venture to think was unknown some thirty years ago. The object of our Art Section must be to aid as far as possible in giving this impulse a wholesome direction. The pursuit of Art, like that of literature, may mean mental health, or it may mean poison. The loftiest attributes of the human mind, the highest attainment of its faculties, may be put to the worst uses. The great poet of our age has given a warning to the speculative moralist:—

> 'Hold thou the good: define it well:
> For fear divine philosophy
> Should push beyond her mark, and be
> Procuress to the Lords of Hell.' [1]

It is at least as certain that the noble faculty of imagination, of which Art is the child and the handmaid, may pander only too vilely to the basest appetites of man. I said the other day,

[1] Tennyson's 'In Memoriam.'

Digitized by Google

and I repeat it here, that if this Association can, by its influence, foster the pure and refined use of artistic genius, and train the national mind to the conception that the most brilliant and wonderful in Art is also the most chaste and true, then it will confer, perhaps, the highest benefit in its power on the coming generation of Englishmen.

Digitized by Google

Digitized by Google

SELECT PAPERS,

NOTICES OF PAPERS,

DISCUSSIONS,

ETC., ETC.

Digitized by Google

Digitized by Google

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

MUNICIPAL LAW AND REPRESSION OF CRIME SECTIONS.

CODIFICATION OF THE CRIMINAL LAW.

The Codification of the Criminal Law, with special reference to the Attorney-General's Bill. By the Hon. E. CHANDOS LEIGH, Barrister at Law, Recorder of Stamford.

THROUGHOUT this discussion it will be necessary to keep in mind the distinction between a digest and a code, a digest being a statement of the law as it exists, a code being a statement of the law as it should be.[1]

The codification of the criminal law divides itself into two parts. First, a penal code defining crimes and fixing punishments. Secondly, a code of criminal procedure, dealing with the constitution of criminal courts, and the trial of indictable offences.

To that great jurist Sir James Stephen, I am much indebted for some valuable information he has afforded me in the preparation of this paper. That being so, I cannot do better than at times use his very language; I have therefore endeavoured in the next page shortly to summarise his views and ideas of what a code should be.[2]

'A code should be an arrangement of the law in an intelligible and systematic manner. Principles should be extracted from cases and text-writers. The statute law should be redrawn, to give its effect in a clearer and shorter form. Statutes are often amended by subsequent statutes, and are expounded by judicial decisions. A code should give effect to

[1] Lord Coleridge's speech on Codification, February 6, 1877.
[2] Sir J. Stephen's Lecture, February 6, 1877.

Digitized by Google

them as so amended and expounded. A penal code cannot and ought not to embrace all acts which expose those who do them to a penalty, such as a case of literary or artistic piracy; nor should it include those enactments of our statute law which no one would describe as part of our criminal law, but which nevertheless forbid a variety of acts under pain of punishment, such as the law relating to the registration of births and deaths; but it should consist of a definition and classification of such acts which it is thought necessary to prevent by punishment because they are injurious to the public or to individuals, and it should specify the punishments to be incurred by those who commit them. The object of those who codify is not to introduce radical changes into the law, but to throw the law into a clear and rational form, and having done so, to ascertain its merits and defects; to affirm the one, to remove the other. The code must be made with reference to the existing institutions of the country. We must start from what we have got; we must begin by re-arrangement, by improving forms of expression, by ascertaining what is objectionable, what is technical, what belongs to a past age and generation; and finally we must adapt the result to the present state of knowledge and feeling.'

This is a short summary of what strikes me as being Sir James's views on the main points of the question of penal codification, expressed at length in his lecture. I trust that they have been fairly and correctly summarised by me.

I apprehend also that the advantages of codification will be great to those who have to administer and practise the law. At present the legal profession have to decide on what one man has written, what another has said, to consult text-books, to arrive at a correct decision on one case after looking through numberless cases which are all supposed to be in point, but which turn out not to be so.[1] Codification ought to a great extent to remedy this. I use the words 'to a great extent,' because on looking through the Bill I can find certain parts on which some difficulties may still arise for the decision of judges, raised by the ingenuity of those who are supposed to be able to drive a coach and horses through any Act of Parliament.

I cannot quite agree with Sir James Stephen that it would constitute a new branch of literature and of public education (except to those who are to study the law), partly for the reason given above. One must have lawyers as a necessary evil in a civilised community, and every man being his own lawyer might be as dangerous to himself and to his neighbours, as every man being his own doctor. 'To us as lawyers,' said

[1] Lord Justice Bramwell's Speech, February 6, 1877.

Digitized by Google

Lord Justice Bramwell, 'a code is very interesting, but it is not so to the public at large, and I do not think any man, unless under compulsion, or not one man in a hundred, would study the code.' I myself go even further than the learned judge, and say that perhaps the one man in a hundred might get into a scrape if he did so unassisted, and acted on his unaided knowledge. But perhaps, as a practising barrister, I am on this point prejudiced.

As general literature, then, I am not prepared to expect great things from a legal code, but there can be but little doubt of its advantage to the law of the country, and of its advantage to the judges and the whole legal profession. Finally, to use Lord Justice Bramwell's words, 'It must improve the law; you cannot put an absurdity into a code.'

Now, adopting the idea sketched out of what a code should be, I think every unprejudiced person will pronounce the present Bill to be on the whole a great success. Its object is to codify the law by which *indictable offences* are defined (hence the title Criminal Code (Indictable Offences) Bill), and the law regulating the procedure by which such offences are punished. It has aimed at reducing the existing body of law to a definite written form; it has aimed at removing various defects and technicalities which have up to this time detracted from the results of the criminal law and its procedure. It classifies crimes under certain heads:—

1. Offences against the general authority of Government.
2. Offences by and against public officers.
3. Acts injurious to the public generally.
4. Offences against the person and personal rights of individuals.
5. Offences against the rights of property.

By this classification the Bill deals with the subject matter of criminal law, in the common acceptation of the word 'crime.' It omits, and I think rightly, matters which may be said to be indictable, and to which I have already alluded as being merely sanctioning enactments; it omits offences against constitutional law, some of which would be the subject of parliamentary impeachment, whilst others are almost obsolete; it omits some offences which when committed for the first and second time can be punished summarily (and are therefore mixed up with summary offences with which the Bill does not deal), but which become indictable when committed for the third time, such as offences for injuring trees and night poaching (excepting the statutable offence of three persons armed entering land by night in pursuit of game; the section of that Act,

Digitized by Google

9 Geo. IV., c. 69, s. 9, being transferred by clause 50 to the present Bill). I think these are the exceptions, and with these exceptions it professes to deal with all indictable offences. There may be, of course, some offences at common law not included in its provisions; if there are, they would still be indictable at common law.

At this point, although a little out of order, I must allude to clause 286, which abolishes the distinction between felonies and misdemeanours. I shall speak again of this abolition when I come to that part of the Bill which relates to procedure. The distinction has been a useless one since the abolition of forfeiture. In fact, many misdemeanours are now punishable with greater severity than many felonies. Why should a false pretence, by means of which thousands of pounds may be obtained, be a misdemeanour, and subject to a less maximum punishment, than stealing an old coat from a boat, which amounts to a felony? Consider the confusion, I might almost say the absurdity, which may arise now in an ordinary case of false pretence. If the offence turn out to be larceny the defendant is not entitled to be acquitted of the false pretence, but though it does turn out to be larceny he is not to be convicted of larceny which is a felony.

Another change in the law is the omission of the word '*malice*' from the Bill. To the layman and the lawyer that word has always borne a different signification. 'To a lawyer,' it has been said, 'malice means wilful illegality and includes recklessness; to a layman it means discreditable personal ill-will.' The Bill substitutes the legal explanation of the word for the word itself; take, for example, clause 176, where defamatory libel is defined 'as matter tending either directly, or by insinuation or irony, to expose any person to hatred or ridicule.' I refer you also to the definition of murder in clause 134.

In dealing with the question of punishments, a wide discretion is still left to the presiding judge. Whatever may be said about uncertainty of punishments, I do not think any Act of Parliament ought to deprive judges of that discretion. But trained and competent judges you must have. Under the term judge, I here include anyone who can try an indictable offence, be he judge of the superior court, chairman of quarter sessions, or recorder. Fix the maximum punishment on some system if you please, but leave the different degrees of guilt in an offence to be taken into consideration by the person who tries it. Take manslaughter, for instance, in some cases barely removed from murder, worthy to be

Digitized by Google

punished with penal servitude for life, in others worthy only of imprisonment for a day.

In practice a maximum sentence is rarely given; a famous judge when on the bench told me he had never given, and never would give, two years' imprisonment in offences where that was the maximum sentence; he considered it insupportable, and much worse than seven years' penal servitude. I suppose, as it does not matter practically what the maximum punishment really is, provided it is fixed sufficiently high, the anomalies still remain in the Bill that, amongst others, whereas a conspiracy and threat to murder is only punishable with ten years' penal servitude, stealing an heiress and throwing explosive substances at a ship or house are punishable with fourteen years. In cases of fraudulent misappropriation and forgery, some alterations have been made in fixing punishments, to which I shall allude when I deal with those parts of the Bill.

Clauses 14 and 15 of the Bill deal with previous convictions and cumulative punishments; in the latter clause the case is contemplated of a man being found guilty, say of aiding three separate persons to escape from prison, for which he would at present be liable to six years imprisonment; by clause 15 a scale is provided according to which a sentence of penal servitude might be passed in such cases.

Although the first four parts of the Bill contain little but a reproduction of the existing criminal law, still there are portions well worthy of discussion, especially in part 1, chap. iii., under the title 'matter of excuse.' To begin with, I wish the statutory declaration that no act done by any child under seven shall be an indictable offence could be carried a little further, and that something could be done to stop what we frequently see, children of tender years being sent to gaol for offences which at the most their parents should be ordered to give a slight whipping for. Whilst on the subject of children, I would mention that the Bill does not alter the period of detention in prison before a juvenile offender is sent to a reformatory. I wish it could be left to the judge's discretion to say whether the offender was to be sent to prison in the first instance, or sent direct to the reformatory if practicable. My excuse for mentioning what barely comes within the province of this paper is that it is a subject alluded to at some length in the noble President's address; that it is a subject eminently fitted to be discussed at our meetings; and, lastly, that I myself at the Liverpool Congress took part in an interesting debate on the punishment of juvenile offenders.

Digitized by Google

On the question of drunkenness the old maxim that 'drunkenness is no excuse for crime' seems to be somewhat modified. I leave out the first part of clause 21, which clearly applies to acts committed when a person is in a state of *delirium tremens*, or has become partially or totally out of his mind from drink; but the latter part of the clause provides that if the existence of a specific intention is essential to the commission of an offence, then the jury may take into consideration the fact that the man was drunk in deciding whether he had that intention. I have sometimes heard this doctrine urged by counsel in order to reduce a wounding with intent to do grievous bodily harm to an unlawful wounding, and I have heard it in a modified degree approved of and laid before juries by judges in summing up in such cases; but now it is to form part of the statute law, I think I could suggest many cases in which it will be used with great effect by the prisoner's advocate, and give a loop-hole to timid jurymen either for an acquittal or a reduction of the graver nature of the charge.

One more instance in this chapter. I allude to clause 22, under the head of compulsion: 'No presumption shall henceforth be made that married women committing offences in the presence of their husbands do so under compulsion by their husbands.' In my judgment a wise alteration of the existing law, as in many cases the woman is the worst of the two.

The remainder of the Bill, commencing with part 5, is principally a recast of the Consolidation Acts of 1861. At the time these Acts were passed, they brought together every enactment then in force, but they did not touch the common law definitions of crimes. The Bill proposes to incorporate these definitions and to simplify the Consolidation Acts.

Murder and manslaughter are defined according to the existing law, but I apprehend, if this Bill passes, we shall not have indictments for murder in this sort of case: namely, when a man in the eye of the law is guilty of murder who shoots at a fowl with intention to steal it, and accidentally kills a man whom he does not see. In alluding to this case, Lord Justice Bramwell said he once heard Chief Baron Pollock justify the principle, on the ground that if a man is attempting to commit a great offence, he must take the consequences of the misfortune of homicide resulting from it. But with all due deference to the late Lord Chief Baron, there is such a thing as pushing principles too far.

Another provision in the Bill is, that, in cases of infanticide, a jury may convict of manslaughter. This provision, in my judgment, will diminish instead of increasing the crime. In

Digitized by Google

my own experience I have met with really bad cases of infanticide which resulted only in verdicts of concealment of birth, simply because a jury were afraid to convict of murder, knowing the consequences such a verdict involved; although, as a matter of fact, no woman has been executed of late years for infanticide. The Bill proposes to recognise a woman's peculiar situation at the period of childbirth, leaving the jury to take into consideration 'her being deprived, at the time she committed the offence, by reason of bodily or mental suffering, of the power of self-control.'

The words, 'power of self-control,' occur also in clause 136, under the heading of effect and definition of provocation: provocation being there defined as 'any wrongful act or omission of such a nature as to deprive an ordinary person, aggrieved thereby, of the power of self-control.' Are words then to constitute sufficient provocation to reduce a murder to a manslaughter? The jury, as in the question of drunkenness, being the judges of the sufficiency of the provocation, are the jury to judge of the nature of the words and the character of the person by whom they were uttered? Words out of the mouth of one person may bear a very different signification to words out of the mouth of another. I am reminded of the line, out of *Measure for Measure*,

> 'That in the Captain's but a cholerick word,
> Which in the soldier is flat blasphemy.'

The remarks I made on the drunkenness clause I think apply here also.

Part 6 of the Bill is to be substituted for the Larceny Act (24 and 25 Vic. c. 96). It provides not only for all indictable matters contained therein, but it defines in addition the whole law on the subject. Under the term 'fraudulent misappropriation' it includes, amongst other crimes, theft, criminal breach of trust, and obtaining property by false pretences. In defining theft, it omits 'the carrying away,' or 'asportation' of the old law. Criminal breach of trust includes embezzlement, larceny by bailees, and frauds by bankers or agents.

In future we shall not be burdened with the fine distinctions between larceny, embezzlement, and false pretences. One term, 'fraudulent misappropriation,' will include all. A new offence is created under the term 'criminal breach of trust.' The following is an instance:—'A man, not in service, who is entrusted with a cheque to get changed, and appropriates the proceeds, at present commits no crime. It is not larceny

Digitized by Google

by a bailee, because he had not to return the specific article entrusted to him. He is only liable for a breach of trust in the civil courts. Under the code he will be punishable for criminal breach of trust.

The words of clause 197, the finding clause, are somewhat peculiar. I hope it will be discussed. I take it that the words '*at the time* of misappropriation' contemplate a conviction in those cases where a person finds lost goods and means to return them if he can find the owner, and, although he had no guilty mind *at the time* of finding, yet subsequently ascertaining to whom they belonged, changes his mind and appropriates them. According to the existing law, the '*mens rea*, or guilty mind,' must be contemporaneous with the finding; and that man now would be acquitted, whilst a bailee of goods, such as a carrier, who received the goods perfectly innocently and subsequently misappropriates them, would be guilty of theft.

Clause 199 deals with the punishments for fraudulent misappropriations. It proceeds on a graduated scale. In fact it is a revival to some extent of the old distinction between grand and petty larceny. This method will certainly fix the maximum punishment on a more certain system. The general term 'fraudulent misappropriation' being extensively applied, we shall not for the future have (*inter alia*) those anomalies between the punishment of larceny and false pretences, to which I have already alluded.

Forgery was originally a misdemeanour at common law; the Consolidation Act of 1861 collected together the special provisions made from time to time to meet the gravity of the crime. The present Bill subjects all forgers whatsoever, including of course forgers at common law, to three different classes of punishments. It abolishes in a great measure the intricate language which we find in the Act of 1861; and by defining 'valuable security' not only puts every clause in which it is used on an intelligible basis, but obviates also the necessity of ringing the changes in a forgery indictment on the words 'undertaking, order, warrant, authority, request.'

I have no further remarks to make on the first six parts of the Bill. No change seems to me to be suggested either in bankruptcy offences, or in those relating to shipowners or seamen, probably from the fact that they have so lately been the subject both of discussion and legislation.

That part of the Bill which relates to procedure does not alter the constitution of criminal courts (although it extends somewhat the jurisdiction of courts of quarter sessions), nor the law relating to grand and petty juries. But by clause 368

Digitized by Google

it does introduce what I consider to be a dangerous and objectionable practice. I allude to 'the examination of the defendant,' and, if the defendant is to be examined, then to the mode of procedure suggested by the Bill. The defendant is *not to be sworn*, but the judge is to inform him that he may make any statement he pleases; if he is defended by counsel, his counsel may examine and re-examine him, but that he will be cross-examined by the counsel for the prosecution. The judge, and the jury with the judge's permission, may ask any questions they might ask of another witness.

My first objection is this, 'the defendant may make any statement he pleases.' Take the case of a man who is not defended by counsel, and declines to make a statement. However much a judge might warn a jury that they were not to take this into consideration, he never could obliterate the impression of that refusal from their minds. But I may be met with this answer. All the better, as ninety-nine out of every hundred who are tried are guilty, the one innocent man would gladly avail himself of the chance of making a clear and simple statement. Let me remind you that such a statement can now be made at the time of committal before the magistrate, and can be read at the trial, and, as neither statement is to be on oath, the one is equally valid with the other, without subjecting the defendant to the species of foreign torture which is provided for by the Bill. If the prisoner was defended, and I were his counsel, I should feel much inclined, even if I thought him innocent, but if he were a nervous man overwhelmed with the shame of his position, to rely on his previous statement (it would be a choice of evils), rather than subject my client to the double cross-examination of the judge and of some of my learned friends, whose powers I know full well. This election would occur when the accused is defended by counsel experienced enough to make capital of it. I doubt if the undefended person in such a case would stand much chance.

I do not, however, make these remarks from any tenderness to the criminal, because, if I thought the examination of the defendant would greatly tend to eliciting the truth, I would advocate the measure. But I believe it would not; on the contrary, in many cases it would enable a guilty man to escape, whilst it might tend to jeopardise the innocent. The defendant, by the Bill, is to be cross-examined. Now, as a rule, young counsel begin their business both at quarter sessions and assizes by holding prosecution briefs, and are instructed to prosecute the worst of cases and the worst of men, many of the prisoners being adepts in all the arts of cross-examination.

Digitized by Google

Of course I do not allude to heavy commercial cases, bankruptcy or perjury cases, which are usually conducted by experienced counsel, but to the more ordinary sort, such as burglary, assault, or fraudulent misappropriation. It must be so; lawyers have to learn their business as well as other people, and it is practice alone that can make perfect. Now a cross-examination by a young and inexperienced counsel of a clever defendant might be utterly ineffective, and, if he be defended, I can foresee how the prisoner's more experienced advocate will be able to set his guilty client on his legs again in re-examination. Then what is the judge to do; is *he* to become the cross-examiner? Conceive what a lottery all this would be. Take the case of a prisoner committed to quarter sessions and tried before an inexperienced deputy-chairman, and another committed to assizes, having to be cross-examined by a judge. Again, is it right and proper that a judge should sum up to a jury, and point out to them the effect of his own cross-examination? Take, again, the case of the innocent and nervous man who *does* make a statement; he has told an honest tale, but it falls to his lot to be subjected to the cross-examination of an experienced and powerful advocate. And I may remind you that cases which involve questions of account, questions of trust, and of commercial morality, are all of a sort to be intrusted to an experienced advocate, and are of such a nature that more innocent men are likely to be involved in them than in the ordinary ones I have specified above. Yet in this very class of case the very nervousness and hesitation of the defendant under such a cross-examination might be accepted as a proof of guilt by the jury.

In reading some famous Bavarian trials, collected by Feuerbach and translated into English by the accomplished Lady Duff Gordon, I was also struck with this fact, that the examination of the accused often involved the subsequent apprehension of innocent people, whose safety and reputation were jeopardised, to say nothing of the terrible inconvenience and expense to which they were of necessity subjected. I do not mean to say that the provisions of the Bill would amount to the almost inquisitorial policy of Bavarian examinations, but still I say the principle might sometimes involve the same painful results. That it would lengthen trials I have very little doubt; but that I suppose would not matter if you improve the procedure, although they are long enough and expensive enough in my opinion already. I believe the law, administered as it is, on the whole works well. I know one very eminent judge thinks that an exception might be made in cases of perjury,

Digitized by Google

on the ground that the jury who try the case ought to have the opportunity of seeing all the parties before them, and noticing both their demeanour and how each gives his evidence; he thinks also that all the parties *ought to be sworn*, and the jury to decide which oath is true, that of the defendant or his accusers. Perjury may be an exception. I shall be anxious to hear the opinions of others on a clause involving a radical change in the law of the land, of which I, speaking for myself, do not approve.

Before I conclude, a few more points of procedure are noticeable. A memorandum ordered by the House of Commons, stating the alterations proposed to be made in the existing law by the Bill, contains a tabular statement. This statement shows how the Bill, on the trial of indictable offences, proposes to abolish all the differences which have hitherto existed owing to the distinction between felonies and misdemeanours. I will notice a few of them.

I have already alluded to previous convictions, and how clause 14 gives a general rule for all cases. One point of alteration is, that the defendant has in all cases a right of challenge. It was most absurd that a prisoner could challenge the jurors if indicted for stealing, but he could not challenge if indicted for perjury, obtaining 1,000*l.* by false pretences, or in the case of a bribery prosecution; the latter case arising, it might be, out of a political matter in which there might be some bitter opponents of his, politically, on the jury. Another point of alteration is, that a discretion is vested in the Court as to permitting the jury to separate or not in all cases requiring an adjournment. A wise alteration no doubt. It was fortunate that the Tichborne trial was not for forgery, a felony; because, as the law stands, the jury would not have been allowed to separate during the whole time. On the other hand, what can be worse policy than to allow a jury each to go their way after adjournment in a bribery prosecution arising out of a parliamentary or municipal election in the very town where the bribery was alleged to have been committed?

Having had some experience in election petitions, I always felt the great objection to their being tried on the spot was that between the adjournment of the court and its sitting next day, witnesses of quite as respectable a class as jurymen were sometimes tampered with. If a witness can be tampered with in these peculiar cases, why not a juryman in a prosecution arising out of the same causes?

Another important alteration is this: no new trial is ever now allowed in felony, though they can be obtained in certain

Digitized by Google

misdemeanours; chapter 47 of the Bill puts all offences on a new footing as to this. This question is mixed up with the question of Appeals in Criminal Cases, about which there have already been from time to time discussions in the House of Commons. Clause 393 (*b*) relieves to a certain extent the Home Secretary of the overwhelming responsibility which at present attaches to that office, by allowing him to give leave to a convicted person to apply to the Court of Appeal in Criminal Cases for a new trial, before he decides whether he will advise Her Majesty to remit the sentence.

I cannot refrain, in conclusion, from mentioning the simplification of procedure in indictments. In dealing with the forgery chapter I have already alluded to it. I think, if the Bill passes, we shall have seen the last of those special indictments, where, to guard against the chance of an omission or mistake, you sometimes had to draw an indictment long enough to reach half across the court. I remember once in an assay case framing seventy counts. It had to be settled by my leader, now a distinguished judge; he pronounced what I had done was right, but for safety's sake I was to add thirty more.

I have now finished. The subject has been a vast one—my attempt has of necessity been meagre and imperfect, limited as I am in time; I hope, however, I have fairly criticised some portion of this grand scheme of legislation, whilst I have pointed out many great advantages which are to be derived from it.

Codification: How to introduce it? By Alfred Hill, Barrister-at-Law.

It is no longer necessary to advocate the principle of codification. The enormous and daily-increasing bulk of our law-books (exceeding by many-fold the seven camel-loads of Justinian's day) has convinced almost everyone of the desirability of reducing our laws to a systematic code, while the 'Digest of the Criminal Law,' by Sir J. F. Stephen, combined with the 'Criminal Code (Indictable offences) Bill,' founded upon it—which, it is to be hoped, will soon pass into law—have shown that no insuperable obstacles lie in the way.

The difficulty now is to find some practicable mode of obtaining codification. To codify the whole of the law of England at one stroke is obviously impossible. As to our

Digitized by Google

criminal system, the great reforms made in it during the last half-century (particularly the Criminal Law Consolidation Acts) have brought that branch of our jurisprudence into a state that it may be reduced to a code without making many changes likely to excite serious difference of opinion. Again, criminal law is, in its nature, essentially much simpler than civil law. In the former, we have practically but one party to deal with, and consequently, by following the humane principle—long since established in England—of deciding all doubtful questions in favour of the accused, we avoid the difficult problems so frequent in civil jurisprudence, where if we swerve in the least to one side we inflict injustice on the other.

Although to effect changes such as raise great and general differences of opinion—as, for instance, the abolition of primogeniture, the alteration of the law of divorce, &c.—would be obviously impracticable in a codifying bill; yet, as Sir J. F. Stephen has well shown, such a measure must necessarily make numerous small improvements; for to codify any part of the law in its present imperfect and unsymmetrical state would be absurd. Yet fancy the chances of a bill containing a code of the whole law! the innumerable questions which would arise! the rich field of game it would afford to the Parliamentary obstructors! For, though it may be expected that the nefarious practices of the hinderers for hindrance sake will be soon put an end to, yet plenty of objections, not dishonest and more or less plausible, may be raised against any proposed change in the law.

As a foundation to legislative codification, therefore, I would propose that—what must be the foundation of any really scientific code—a system of definitions and rules of interpretation should be legislatively established, to be applicable to all future Acts of Parliament—thus, indeed, doing systematically and thoroughly, what was done to a small and partial (though by no means useless) extent by Romilly's Act. Indeed, it may be fairly said that, when the definitions and rules of interpretation of a code are settled, the code is half made. And yet, as such a measure would effect no actual change in the law, but would merely provide for the interpretation of future laws, it could meet with little general opposition; exciting, indeed, the interest of few but legal members in either house of Parliament, who would no doubt discuss it in an intelligent and useful manner. Of course, such a bill should be drawn and elaborated with great care. Able draftsmen, including lawyers who have given much attention to

Digitized by Google

the subject, should be employed in its preparation. This Act of Interpretation, as it might be entitled, would form a broad and solid foundation for a code. When the measure had become law, both Houses of Parliament should prepare standing orders, making rules, regulating the form in which Bills should be cast, founded upon the principles of the Act of Interpretation. And if counsel were appointed to peruse every bill introduced, and report whether it complied with the standing orders, and make any other observations relating to its legal effect which might occur to them, something like sound and scientific legislation could be expected. One branch of the law after another might then be easily codified, until the whole field was covered, when the fusing together of the various Acts into one code would be effected without serious difficulty. And thus our object would be attained.

DISCUSSION.

Mr. Frederic Hill (London) was delighted with the introduction of the Criminal Code Bill, in which he saw the fruition of many years of effort on the part of the Law Amendment Society. One of the most important proposals of that measure would, he hoped, be dealt with by his nephew, Mr. Alfred Hill, who, in his recent visit to America, had excellent opportunities of obtaining extensive information with respect to the working of the change in the law which it was now proposed to adopt here; namely, a change permitting the examinations, in criminal trials, of the defendants; a change which, with the greatest possible benefit, had, during the last few years, been made in civil cases. Since his nephew's visit, this Association had sent out enquiries to all the judges and attorney-generals in the United States as to their opinion of the working of the new rule; a rule which became the law in one State by mere accident, but which was afterwards deliberately adopted by the other States. The answers to these enquiries, with scarcely an exception, testified to the good results of the measure, notwithstanding that the legal profession, as a body, were at first decidedly opposed to it. To descend from the higher regions of general law, and to take an illustration from domestic life, he would ask what man, having a servant against whom a charge had been made, would, in the investigation, think of telling the servant that, for humanity's sake, her mouth must be closed, and that she would not be allowed to say a single word in her defence? It had been alleged that a criminal code, while highly acceptable to lawyers, would be useless except in their hands; but Sir J. Stephen, in opening the sessional meetings of this Association one year, stated that the lay judges of India, often military men, aided by such a code, found no difficulty in administering criminal law in India. As to the preliminary imprisonment of young offenders sentenced to detention in reformatories, he felt sure that the

Digitized by Google

opinion of his brother, the late Mr. Commissioner Hill, would be received by that Association with deference. His brother took an active part in the establishment of reformatories, and he could state that he was averse to a child having the taint of a prison before being admitted to a reformatory. The same principle which would keep the child out of a prison during the greater part of the time of his detention should prevent his passing the threshold of the prison and save him from being sneered at as a gaol bird. He had heard with great pleasure the remarks on the subject of infanticide. Many years ago, when a close observer of the working of the criminal law in Scotland, he learnt that experience had there shown that every prosecution for infanticide, when the charge was murder, failed; since no jury would, on such a charge, return a verdict of guilty, and that the charge, therefore, was always that of concealment of pregnancy. One satisfactory feature of the bill was the large discretion which it was proposed to give to judges, coupled with the abolition of minimum punishments and a reduction in the number of maximum punishments. As the result of observation of the working of the criminal law and much thought on the subject, he believed that the wider the discretionary power of judges the better. An important step towards a wise fixing of the length of an imprisonment was the measure, passed at the instance of Sir Walter Crofton, for putting it to a certain extent in the power of a prisoner himself to determine the period of his confinement by his industry and his efforts for his moral reform. He (Mr. Hill) looked forward to the time when the main consideration with the judge would be—Is the prisoner one who can be safely let loose again on society, or is he not? If he be not, he must be sent to prison, there to remain until those in authority over prisons shall declare that the time has arrived when, with safety to society, the offender can be restored to freedom.

Mr. Barwick Baker (Gloucester) concurred with the greater part of Mr. Chandos Leigh's Paper, but regretted extremely that he was compelled to differ from Mr. Hill and his brother as to the imprisonment of boys before sending them to a reformatory. He had always felt strongly on the point; and twenty-five years' work among boys had only strengthened his conviction of the correctness in principle of the preliminary imprisonment. It was said that sending a boy to gaol ruined him for life, gave him a gaol name and a gaol taint which he never could overcome, unless indeed he was put out somewhere where he was not known. He happened to have had between four and five hundred boys through his hands. It was known generally what had become of them: some had turned out well and some ill; but he had not known a case of a boy who had been ruined or even injured by the gaol. Indeed, he did not believe the public cared the least in the world for the fact of a boy having been in gaol. If he had been to a reformatory they knew he had done something wrong, and it was the fact of his having done wrong, not the fact of his having been in prison, that the public objected to. Some said that it was hard to send a boy to prison because, having been brought up in poverty and ignorance, he was not responsible for his offences, and that he was only unfortu-

Digitized by Google

nate and to be pitied, and required to be formed, not reformed. This was a most fatal and dangerous doctrine. To a greater or less degree it might be said of all. All would, no doubt, have been better had they been more wisely influenced; but he did not believe in man or boy doing wrong without knowing that it was wrong, and all ought to feel that punishment should follow crime. It had been suggested that the reformatory was punishment enough, but it would be an unwholesome feeling that the reformatory was looked on as their enemy. It was far better that the boy should have a short decided punishment in prison and then come to the reformatory as a comparative relief.

Mr. G. W. HASTINGS said it would be well to restrict the discussion to the codification of the criminal law. Like Mr. Hill, and especially as an old member of the Law Amendment Society, he was delighted at the introduction of the Government Bill, which, though it had been a long time in coming, was yet a beginning for which we were indebted to that able and distinguished jurist, Sir J. Stephen. But he doubted whether the bill ought not to receive considerable emendation, especially in respect of one characteristic which pervaded the whole measure. He doubted whether it was not far too general in its terms—he would not say hazy in its definitions, but wanting in that verbal definiteness which, above all things, was desirable when we wanted to make an Act of Parliament permanent. Much litigation in this country had arisen from indefiniteness in Acts of Parliament, owing to which even judges did not always know what the law was, and litigation ensued in order to bring the words of the law before the courts, that it might be decided what they did mean. He was afraid if the bill passed in its present state we should have a number of questions raised in the criminal courts, not as to what the law ought to be, but as to what it was intended to be, and what it actually was on the words employed in the measure. The great difficulty of knowing what the law was unless it were accurately defined, he illustrated by a case which had lately come under his own observation. For a long time, by statutory provision, we had admitted in evidence in criminal cases the depositions of witnesses who, from illness, were not able to attend at the trial. One would imagine at the outset that nothing could be more simple than such a provision as that in case of illness the deposition of a witness shall be admitted in evidence. In practice several questions had been raised as to what constitutes illness. A few months ago he tried a case at quarter sessions, in which the principal witness for the prosecution, in whose absence it would fail, happened to be a married woman about to be confined. The question was whether her deposition could be received in evidence. The husband deposed that his wife was in daily and hourly expectation of her confinement, and could not possibly undertake a journey of fifteen miles and be examined in court. The prisoners were defended by counsel who objected to the receipt of the woman's deposition in evidence on the ground that, although it was difficult, perhaps impossible for her to come into court, she was not suffering from illness in the meaning of the statute, but was in a perfectly natural state, such as might be expected in a married woman. This objection was not without foundation. He at once looked into

Digitized by Google

the authorities, and he found that the question had been raised four times previously in the Assize courts, and that two judges had decided one way and two the other. Two judges had said that under such circumstances the deposition ought to be admitted; and two that it was inadmissible. Being thus left to his own lights in the matter, he determined that he would not allow justice to be defeated if he could help it, and he would not require a woman in that condition to travel thirty miles and be examined in a witness-box, so he admitted the deposition and reserved a case for the prisoners, to be argued before the judges. He was glad to say that the law was now settled by the judges of the Court of Criminal Appeal, who unanimously upheld his decision. If that had not been the law it ought to have been made law, and if a deposition were inadmissible under such circumstances an Act ought to have been passed to make it admissible. This was one illustration of the way in which litigation might arise unless terms were strictly defined. This was merely one of many examples he could give to show that, unless the expressions in the bill were made more definite and brought down to meet the details of different cases that could be stated, a number of such questions would eventually arise. In the draft penal code for India, Lord Macaulay adopted an admirable plan; he appended to different clauses illustrations of what was meant. In the case mentioned the illustration would have been—illness includes the condition of a woman about to give birth to a child; and there were a vast number of cases in which such illustrations could be given. Although it might be a great deal to expect of the House of Commons to admit such illustrations, still it might fairly be considered whether some such plan could not be adopted if the law were to be codified. While admitting that the present distinction between felony and misdemeanour was misleading and often absurd, he thought there would be advantages in retaining the word 'misdemeanour,' for there were many breaches of the law which it would be absurd to treat as 'crime' in the ordinary acceptation of the word. A man might be indicted before a judge of assize for non-repair of a road; and there were many such offences that were not criminal, but were rightly described by the word misdemeanour, which implied that a man had not done something he ought to have done, or *vice versâ*. To put everything under the word offence might lead to misconception of the moral weight which the criminal law attached to certain deeds. As to the examination of defendants, he must wholly differ from Mr. Chandos Leigh. Experience in criminal courts showed that it was absolutely necessary to examine defendants if justice was to be done in the administration of the criminal law. His predecessor in the chair at quarter sessions, Sir Richard Amphlett, once told him that he completely changed his opinion on this point after he became chairman; until he came to try criminal cases himself he believed you ought not under any circumstances to examine a prisoner; but after what he had seen in his own court he came to the conclusion that you would often do grave injustice by refusing to receive such evidence. And he, Mr. Hastings, would say much the same thing. He could give instance after instance from his own experience of cases in which not only did he fear injustice was com-

Digitized by Google

mitted, but he was quite sure, in one way or other, it was committed through the inability of the court to take the evidence of prisoners. He would mention the expedient to which he had resort in one case in order to prevent the injustice that would otherwise have followed from the present state of the law. In February last two brothers were indicted before him for an aggravated assault upon a married woman, sworn to by three witnesses. He saw reason, on reading the depositions, to order that the men should be indicted separately, so that each could give evidence for the other; and the result was the prosecution collapsed as soon as the second brother had been examined on the indictment of the first. There could be little doubt that the witnesses had come into court to commit perjury, expecting that the mouths of the prisoners would be closed. Had they been indicted together, or had they been husband and wife, a conviction would probably have been inevitable. Many instances could be adduced in which great injustice had been done by refusing to admit the evidence of the person who must have known most about the facts. When he was in New York he found that persons were being daily examined on their own behalf. This change in American law was brought about fortuitously. An Act was passed to codify the law of evidence in the State of Massachusetts, and by a legislative accident words were introduced which were so wide that they covered the reception of the evidence of a prisoner. A man was indicted for murder at Boston, and his counsel tendered him as a witness. The idea was ridiculed; the counsel on conviction claimed a case on appeal, which was granted; the judges said, 'It is a mistake; we know it; but we are bound to administer the law as it is; there is no doubt that it was the right of the prisoner to be examined;' and they quashed the conviction accordingly. From that moment defendants and prisoners had the right to give evidence, and they did so every day. So admirably did the change work that it had now been adopted by nearly every other State. A short time since the Association had addressed questions on the subject to the Chief Justice and Attorney-General of every State in the Union. Some of the replies to these questions were to the effect that the change had not been sufficiently long in operation to pass a judgment upon it; but in every instance in which it had been in operation long enough the opinions expressed were favourable, and some went so far as to say that by no possibility could either lawyers or people be induced to revert to the original state of things. Surely an experience of this sort with a people inheriting our language, laws, and prepossessions, and legal procedure, was not to be disregarded, and it would be difficult to argue that what had turned out well with English-speaking people in the United States could be bad for English-speaking people here. We had already to a large extent adopted the change in this country. It perhaps was not generally known to what extent defendants in certain cases could, and did, give evidence in their own behalf. Under the Licensing Acts defendants often gave evidence. He had before him not long since a publican, defended by counsel, and the counsel loudly proclaimed that he would put his client into the box to unhesitatingly deny all that had been said against him; but when the defendant heard the words of

Digitized by Google

the oath he said, 'I think I would rather not be sworn.' This was significant of the good effect which would follow the change. A man would instruct counsel to tell any amount of untruth, to deny his guilt in the most unqualified terms; but, when the book was in his hands, and the oath was administered, he would realise that he was about to commit perjury. In affiliation cases defendants were allowed to give evidence, and often did so. He should be corroborated in saying that it did greatly assist the justices that defendants were able to give testimony; and on what principle was a privilege which was allowed in these lighter matters to be denied to a man who stood in the dock on charges of felony, whose whole character and fortunes were staked upon the issue, and who, if he were allowed to speak, would often be able to clear up doubtful circumstances? Of course a prisoner could make a statement when he was before the magistrates, but at that stage it did not always happen that mention was made of circumstances which afterwards required to be cleared up. It often happened that it was at the trial for the first time that the defendant felt the whole force of the facts pressing upon him; and on behalf of the innocent—to say nothing of the guilty—he unhesitatingly declared that if the law of England was to do justice it ought to allow the accused, if they chose, to give evidence of the facts that were within their own knowledge.

Dr. Alfred Waddilove (London), having taken a strong interest in the question of codification, must congratulate the Association on the success of its efforts. Codification had at length been adopted without waiting for a previous digest, which some held to be the necessary preliminary to a code. No doubt a digest was a preliminary as a means to an end. Having digested the law in the department in which he practised, when he wanted to codify it he examined the digest; that contained the law which he embodied in so many abstract propositions; and that was what appeared to him to have been done in this bill. Sir Robert Peel did a great deal towards consolidating Acts of Parliament relating to criminal law, and he carried a bill which did away with 137 statutes; but since that time 100 statutes had been passed, and all that was left of them was embodied in this bill, which would prevent the necessity of referring to many books. No doubt the bill required examination, and it was in able hands. It seemed to him that its tendency was towards severity of punishment, longer terms of imprisonment being introduced, while fines for libel were only incidentally introduced, and were not contained in the body of the clause relating to punishment. Flogging was also largely introduced. As a set-off there was the abolition of solitary confinement, which was one of the most cruel punishments that could be inflicted. No one could be indicted for an offence who was under the age of seven years, and a defendant might give evidence on his own behalf, which would facilitate the escape of the innocent and the punishment of the guilty. A right of appeal is also given. It would have been desirable, by a clause in this code, to have constituted a public prosecutor, if we could not have a Minister of Justice. If what has recently happened in Scotland had occurred in England, the delinquents might have left the

Digitized by Google

country before they could have been formally arrested under warrant, and might have gone to Spain or somewhere else to escape from justice. Directly or indirectly we ought to have a public prosecutor, to act as the Procurator Fiscal does in Scotland. No doubt the introduction of the bill was gratifying to the members of this Association, which had had the subject before it many years. It had succeeded in obtaining many reforms; but this would be a crowning triumph.

Mr. Francis Lyne (Cheltenham) said British merchants stood at a great disadvantage as compared with foreign merchants, because of the absence of a Code of Commerce. On the Continent, in the merchant's counting-house was to be seen a book, with the edges of the pages so marked (like 'Kelly's Directory,' for the various trades) that when they wanted to know anything about a charter party, bills of exchange, contracts, and so forth, they had only to turn to the book or code for the information needed, and thus avoid further difficulty. Mr. Roebuck, M.P., when at Sheffield, on August 28 last, advised the Chambers of Commerce when there, as delegates representing the commerce of England—the most important interest in this country—to use their influence to grasp the subject, and direct attention to the great work of having a Commercial Code, such as all Europe would adopt—overpassing the Code Napoléon—and thus form a kind of international law. A foreign merchant once said to him (Mr. Lyne) that 'he regarded the English, with their law system, as barbarians living in the midst of luxury;' and he (Mr. Lyne) spoke with the sensibilities of a British merchant of long experience when he said that when a merchant had to render an account of 'costs' to a foreign correspondent for conducting a law-suit on his account, it was always very painful so to do, because they (the foreigners) could not conceive how so much money could be expended upon a matter apparently so simple as a fact in dispute. He (Mr. Lyne) had had much experience as a special juryman in London, and on one occasion he heard Lord Campbell address the following words to a jury:—'I do solemnly assure you, gentlemen, this case never should have been brought into this court.' It is such-like cases, still going on, and causing great distress, that cause the block now in our law courts, so much complained of. For more than twenty years he had acted as chairman of the London Tribunal of Commerce Association—of which the late Lord Wharncliffe was the president—studying the subject with great care; and he had never heard any lawyer venture to contradict the saying of the late Lord Romilly:—'Our law system was invented for the creation of costs, and not for the due administration of justice.' He hoped that codification would strike at the root of the evil.

Mr. H. W. Boyd Mackay (Exeter) was opposed to investing judges with unlimited discretion in the appointment of punishments, and would prescribe definite variations of punishment for specified aggravating or extenuating circumstances. Although every possible case might not be provided for, many would be, and it might be enacted that a judge should be guided by the finding of a jury as to what certain circumstances had occurred. The effect would be to protect society from a sense of inequality and unfairness in the sentences

Digitized by Google

passed by different judges, and to secure a degree of certainty in punishment, which was more deterrent than severity.

Mr. H. G. Tuke (Cheltenham) thought that the sentences of judges and magistrates were too often aspersed, because, when there were previous convictions recorded against a prisoner, sufficient publicity was not given by the reporters to the fact, and so sentences for crimes of apparently equal gravity, seemed to the general public to be most unequally dealt with. With a view to the reduction of crime, he thought it would be well if Acts of Parliament were made more easily accessible to, and obtainable by, the people at large. He hoped the Criminal Code would be published in a cheap popular form, placed in our free public libraries and other public and accessible places, and widely circulated. With every due regard to the Divine and the moral laws upon which our criminal law was based, we yet professed to punish criminals under our common law in a few cases, but mainly under statute law, providing statutory punishment for statutory offences; and he believed that many criminals would be deterred from the commission of crime, by a certain knowledge that a contemplated offence would involve a prescribed punishment. Every effort was made to publish bye-laws, such as those of railway companies. Why should not as much be done to make known the penal clauses of the intended criminal law in every town and village?

Mr. A. Edgar, LL.D. (London) said it must be remembered that if the bill became law, it would not only be administered by Judges of the High Court, Recorders, and Chairmen of Quarter Sessions, but by ordinary magistrates, who, for the most part, have not had a legal training. In many places the language of the bill was exceedingly obscure; some clauses he had found it necessary to read several times before guessing at their meaning; and he believed there were others who had experienced the same difficulty. No doubt the Commissioners who were examining the bill would direct their attention to the obscurities to which he had referred. One point on which it ought to be perfectly clear, and was not, was whether it was larceny to keep anything found, when the owner was not known at the time of the finding and appropriation, but was afterwards discovered. No attempt was made to define conspiracy, except in the case of an agreement to commit an offence, although questions were often raised as to whether an indictment would lie or not; the general view being that it would lie when, although the object sought to be attained might not be illegal, the means adopted were illegal. A case had been brought to his notice of conspiracy, by means of falsehood, to slander the reputation of a lady, which, as verbal slander, was not indictable; it would not come under the provision of the bill. If there is some uncertainty as to conspiracy at common law, it was the more necessary that it should be made certain by the Code. The Commissioners could not allow the bill to leave them in its present form.

Sir John Smale (Chief Justice of Hong Kong) thought it desirable that attention should be directed to the general imperfectness of all statutory provisions. Language was too imperfect to express the whole of an idea. The common law had been so moulded by prac-

Digitized by Google

tice and experience as to be comprehensive and elastic, adapting itsel to varying circumstances; it had been called the foster-mother of law, whereas the statute had been called the harsh master and the undeviating iron railway. He said this not because he wished that there should be no codification—which indeed had become a necessity—but because there was a tendency to expect too much from a code. What he had said with regard to common law and the statute law would be endorsed by those who had been engaged in the administration of the bankruptcy law. Within his memory there had been a dozen, if not a score attempts to codify the bankruptcy law; and the last stage of codification was as bad as the first. That only showed that when it became necessary to codify any law, it should be done with the utmost care. We should take care not to define too closely, and we should use such terms and lay down such conditions that they would, as it were, constitute a wide net of generalities that would embrace every possible shade of the matter to be dealt with. The bill provided that, where it affected anything at common law, the common law was not to prevail; but it was most important that, where the Code did not reach, the common law should be allowed full scope; and, where they ran upon the same lines, both should be recognised as in force. There was a class of questions on which decisions had been given, which should not be left to the action of the common law; but if questions arose which the common law would well meet, and if it were dubious whether it was right or not to apply it, difficulties of a serious character would ensue. As reformatories were referred to in the bill, the question of previous imprisonment was within the scope of the discussion. There was a strong disposition in this matter to go back to first principles, and to ask why we should imprison a child who had been brought up amid bad surroundings and without proper education, and to ask, Did he sin, or his parents? As a matter of principle, he would not send anyone to prison if he could see his way to avoid it. On the same principle he would draw a distinction between crimes and misdemeanours. It was wrong to place all offenders in the same category; to class, say, the railway director, who was to be tried for manslaughter, with the thief and highwayman; and this would result from doing away with the distinction between felonies and misdemeanours. As to the discretion of judges, the measure of punishment involved so many considerations which came before a judge, and rarely came before anyone else, that the discretion of a judge ought to be very extensive. What juries would do was illustrated by an incident within his own experience. Two men were tried for different murders on one day. One was convicted; but the second, on equally strong evidence, was acquitted, because one of the jury said he would not have on his conscience the death of two men as the result of two verdicts given in one day. The unwillingness of jurymen to convict for the capital offence was a reason why it was desirable, if possible, to indict for manslaughter rather than murder, where this could in justice be done.

Colonel Ratcliff (Birmingham), speaking from experience as to 500 boys who had left a reformatory, concurred with Mr. Barwick Baker that they did not suffer in the least from having been in prison. It

Digitized by Google

was not known generally whether they had been in a reformatory or a prison, and the knowledge that they had suffered some punishment did not militate against their future employment. He was convinced that if boys did not receive some punishment, but were merely sent to a reformatory and there treated with kindness, they would form very mistaken impressions of the ends of their former life, while parents would be tempted to induce their children to commit crime instead of training them to habits of honesty and industry.

Mr. S. H. Gael (Cheltenham) said the codification of the law was a subject of great interest to jurists, for in no way could the genius of the law shine with so much splendour as in the true expression of its substance in lucid language. It was, however, natural that when they had before them a particular measure embodying special provisions the discussion should turn almost entirely upon those provisions. Yet the technical part of a code was as important as the ethical part in the view they had to take, and no discussion could be more useful than one which tended to promote clearness in the technical demonstration of the ethical provisions. It would be a great advantage if misunderstanding and quarrels between individuals as to their rights could be prevented by referring to a code. The parliamentary report and evidence on trade marks are lucid statements showing the great disadvantage under which the British merchant was placed in dealing with foreign correspondents in not being able to put his finger on the express provisions of the law which he might have had in a code. It was of no use referring merchants to a decision in such and such a report; they (the foreigners) could make no use of such reference, but they could point to the provisions of the Act expressed in definite language. Of course a code could not be perfect; there must be additions and corrections from time to time. It had often been recommended that codification should begin with the criminal law, though he did not know that that course presented any advantages as compared with some other departments of the law. Illustration was a proper way of expressing the meaning of the Legislature attached to the words of a code, and, besides having been adopted in the Indian code, it was resorted to by Mr. John Austin, the celebrated jurist, in codifying the Maltese law of libel. No means should be spared to make the provisions of the law intelligible. He should have been glad if the technical side of this question (codification) had provoked more discussion.

Sir George Arney presumed that the language of the clauses would be freely discussed in Committee in the House of Commons, and that they might more usefully consider the general principles involved in special changes. If there was any tendency towards increased severity of punishment, it was to be hoped it would be checked by discussion in Committee, because already in England crime received extreme punishment. We substituted long punishments for the death penalty, and became habituated to them, first in the long terms necessarily adopted in transportation, and thenceforward in terms of penal servitude, after transportation was given up. If the bill did tend towards the increase of punishment it was the more necessary that it should contain such provisions as would guard against the misuse of

Digitized by Google

punishment, and guide the judge in the exercise of that great discretion which it was right to repose in him. It was to be expected that the proposal to allow a prisoner to give evidence for himself would be resisted by English conservatism of feeling. The tenacity with which we clung to old habits and prejudices was illustrated by the discussion it required to fuse law and equity, and carry a measure which he was administering in substance in New Zealand from February 1858, the only difficulty arising from the traditions of English procedure. In olden days a prisoner could be examined on his own behalf. As the practice had been found to work well in America, we might adopt it here with all the more confidence. He could corroborate what had been said as to the tenacity with which the Americans adhered to English forms and modes of procedure; and, if they had been able safely to adopt the principle of examining a prisoner, that was a strong reason why we should consider the expediency of doing so. Exercising our own common sense, we must see the inconsistency of allowing a man to make a statement before the magistrates which might be given in evidence against him on his trial, and yet closing his mouth at that trial when the evidence before the magistrates was repeated by the examination of the same witnesses. It might be that English judges, trying many prisoners, having assistance at hand, and passing from place to place, were to some extent relieved from the painful responsibility attached to the administration of justice in the Colonies, and which he had felt both in summing-up and in passing sentence. A vast discretion was imposed upon judges, who knew least of the character and antecedents of prisoners, and who could not go beyond the evidence in the case, unless they were furnished with official information of previous convictions; and it was only reasonable that the judge should have the assistance he might derive from the evidence of the accused, who might happen to be the only person knowing the whole truth. Mr. Hastings had been painfully alive to the difficulty of the judicial mind on the occasion when he ordered that two men should be indicted separately, so as to enable them to give evidence. He remembered a case in which he extricated himself by a violent wrench from the stringency of the English law of evidence. Two men being indicted together, one entreated that the other might be a witness, and, finding a solitary instance in which this had been done, in which, however, his legal conscience (he must confess) did not place much confidence, all parties moreover consenting, he allowed the man to be examined; and the result was that the man convicted himself and the other who was charged with him. Some of our rules of evidence were not originally adopted as absolute maxims of irreversible law, or assertions of great principles of right, but rather as rules of convenience; and he hoped the day was not far distant when they would be invaded and modified, and especially the rules as to hearsay evidence, which he should wish opened to more exceptions. Atrocious criminals had escaped conviction on charges of outrage because evidence could not be given of some expressions used by the person injured soon after the commission of the offence. As bearing both upon this point and the examination of accused persons, he might mention a case which

Digitized by Google

occurred in New Zealand. A man was charged with the murder of his wife, who was burned with kerosine; the husband and wife being alone at the time of the occurrence. The statement she had made, but not in the presence of her husband, was that her husband struck a light for his pipe, that she was startled and knocked over the kerosine, and that it was accidentally ignited by the lighting of the pipe. Under the peculiar circumstances of the case he admitted this woman's statement as evidence; but the man was convicted. There was, he believed, at first some little conflict of opinion between the Governor and his Ministers as to what should be done with him. Ultimately he was executed, but to the relief of all minds he had confessed to the bishop before his execution that he was guilty, and that his wife had told the story about the upsetting of the kerosine upon his own suggestion, in the hope of saving his life.

Sir Arthur Hobhouse, K.C.S.I. (Chairman) said there seemed to be a general agreement that codification, at all events to some extent, was an excellent thing. Some persons said the whole law ought to be codified, but that would not elicit so general an agreement; and he knew one man who would dissent from that proposition. Those who agreed that codification was a good thing would agree that, if there was any part of our law that was fit for codification, it was the criminal law. It was more simple than civil law; its features were fewer and less changeable in their nature; and to a very great extent it had been codified already. Therefore everybody was very glad that this great step forward had been made by a man who had shown his ability to rearrange laws in so conspicuous a way as Sir J. Stephen had done. In the term codification we were apt to include some very different processes. Codification proper he took to be the expression by written law of law that was at present unwritten; that was the just and proper object of codification. Of course, law reform, if you put it into writing, is also codification; but that is not one of the things we mean when we talk of establishing a code. The object of the codification, as such, is that the law, which is in a fluid state, may be reduced to a solid state, and put down on paper. We also include in the term the rearrangement of our written law a process which should be called rather consolidation than codification, because it was only the substitution of one written code for another written code. All these processes, however, might be applied at the same time; and he understood that all these processes were to be found in the draft bill now under consideration. He was glad that several members of the Section had studied the details of the measure so as to subject it to effective criticism. Each of the processes he had mentioned was attended with extreme difficulty, and that which seemed the simplest of them—viz., consolidation, could not be effected without great labour and great chance of error. The most remarkable illustration of this had been given by Mr. Hastings when he mentioned the accident by which, in America, accused persons claimed the right to be examined. Somebody thought he was transcribing the existing law; he transcribed it wrongly, and unknowingly he effected one of the greatest reforms that could be made in the criminal law. It was a salutary accident, but

Digitized by Google

such accidents might happen the wrong way. Now, if the difficulty were great in dealing with the written law, how much greater must it be in the case of the unwritten law, embodied in propositions which judges had not been able to explain fully except in pages of printed matter? The process required the greatest possible vigilance, and it was impossible for any single man, however able, learned, and laborious, to do such a work. It required a great number of eyes to go over the work in order that he might know how the expressions he had used struck other minds. We must remember that, not only was human language imperfect, but the draftsman did not interpret his own draft; he knew what was in his own mind; he went on writing, thinking that all was clear; then another man came to look at what was written, and he found that a totally different interpretation could be given to the words. Therefore, anyone who would take the trouble to go through a bill like this, and point out where that which was intended to express the existing law really altered it, would confer the greatest possible service on the draftsman, which no doubt Sir J. Stephen would be the first to acknowledge. In fact, the draft was put up to be shot at by every competent comer, and its publication was an invitation to all members of the profession, judges and officials, to find all the fault with it they could. His experience in India was that by publication they obtained a number of criticisms on their bills, always with the result of showing that they had in the first draft committed many mistakes, and that if the bills had been carried in the shape in which they were at first prepared they would have made a hash of the law. When you have read the criticism of several men upon a sentence you have framed, you often find that it is ambiguous, or framed on a wrong principle, and you set to work to make it clear. With all this help they managed to pass some tolerably good laws; but even then, when they came to be worked, many holes are found in them. The first practical suggestion he had to make was that a very vigilant criticism should be extended over this bill, and that the results should be sent to Sir J. Stephen or to the Commissioners sitting upon the bill. He would give a warning that hasty criticism only did harm, and that one who wished to do good must bring to the task skill, knowledge, and, above all, industry. It would be almost endless to enter upon the details of the bill; but the matter of definition had been the subject of a paper, and from the author's conclusions he would beg to express dissent. Nothing was so tempting as a definition; nothing, according to his experience, so fallacious, or so likely to lead to difficulty. He had had a good deal of experience in the working of a code which he believed those who had studied codes thought to be one of the best, if not the very best, ever drawn up—that was the Penal Code, which was framed by the Indian Law Commissioners and the Indian Legislature. That code worked excellently well on the whole; but, like all human work, it had its defects; and the greatest difficulty was occasioned by definition. When he was Law Member of the Council in India, two of the earliest bills he had to introduce were rendered necessary owing to the difficulty caused by definitions. In his judgment, a definition was usually not useful except as showing

Digitized by Google

what was the meaning of an artificial term dealing with an artificial matter. If you try to put on any term in common use, or expressing a common object, a different meaning from that which is commonly accepted, it is quite certain that as you go on drafting you will forget that meaning, and you will use the word in its ordinary meaning. The complications here spoken of arose from attempts to define artificially the words 'Government' and 'India,' and in both cases the draftsman had fallen into the error of using the words in the common sense, and so producing an absurdity, which it was necessary to remedy by law. Take such a subject as theft; you have always to come back to what is honest or dishonest, and if you write reams of paper how can you better tell people what is honest and what is dishonest than their ordinary practice and education tell them? You always have to go back and ask whether a man intended to be dishonest; the whole solution lies in people's moral sense. They had better be left to apply their moral sense according to their experience of life, and their acceptation of the facts before them. Therefore he should be disposed to avoid definition as far as possible: on the other hand, he should be glad to see illustrations introduced into the criminal code. He always understood that Sir J. Stephen approved of them. He had made it his business to inquire of the Indian Mofussil judges, who were half laymen, half lawyers, whether they found illustrations of use, and, although their opinions were not quite unanimous, the great majority of them were in favour of illustrations as making the meaning of abstract terms a great deal clearer. He agreed with Sir John Smale that we must not expect too much from a code. A badly drawn code would be merely a new starting-point for litigation; even a well drawn one would so far alter the law that there would for some time be a great deal of dispute as to its meaning. Lawyers would be constantly referring to the law as they knew it, and endeavouring to bring out the old meaning from the new words, except in those cases where it was quite plain that a difference was created. Other persons would read the words in their literal sense. It was so disputes arose on every Act of Parliament he had ever known. As soon as an Act was passed affecting considerable numbers of people, there were disputes, judicial decisions, and a fresh deposit of unwritten law on the stratum of written law. We could not in this way avoid litigation and work for lawyers. Those who thought people could go about with a code in their pockets, take it out when they wanted to know what to do, and find it all plainly written down, were taking an exceedingly sanguine view, and were destined to severe disappointment. As to the examination of defendants, it was a very important question, but he would say little, because Sir George Arney had put the matter on the precise ground he should himself take. It was a matter of the purest common sense. With all deference for those who thought otherwise, he regarded our law as absurd on this point. It was a reaction against the system which stretched a man on the rack until he said that which you wished him to say, and the later system, though not so cruel, was nearly as irrational, because it shut out the persons who knew more about the matter than anyone else. In our civil law we had completed the whole cycle

Digitized by Google

of revolution in this matter. He could remember the day when there were endless disputes in the courts as to whether a witness was interested or not, and no end of subtle distinctions and rules to ascertain that fact. If he were interested then his evidence was inadmissible, and, of course, the evidence of the parties to the cause was inadmissible. Then it was enacted that certain things should not render a man an interested witness; next, that no one should be excluded on account of interest unless he were a party to the cause; and next, that the parties to the cause might be examined. Nothing but good had resulted from these alterations; the truth was got out with far greater ease, in less time, and at less cost. A stop was put to endless disputes about interest, and judges administered justice with greater satisfaction to themselves now that the parties to the cause were examined. He should like to see a corresponding change made in the criminal laws. No doubt care should be taken that nothing like torture should be applied to a witness; he should not be unduly pressed and kept under examination for weeks and months, as, he believed, was done in Germany, until a story was extracted from him. With these precautions, which it was easy to take, he believed that a more beneficial reform could not be introduced into our judicial procedure. He would not trouble the Section with further observations of his own. There was no formal resolution to be put.

The Hon. Chandos Leigh, in reply, dealt with most of the objections which had been raised by the various speakers. In the course of his remarks he said that he did not think the Bill increased the severity of punishments, although it did abolish some anomalies in punishments, and introduced a graduated scale for certain offences. One speaker had pleaded for the distinction between felony and misdemeanour being retained, on the ground that if a man was indicted for the non-repair of a road, and indictable cases of that sort, he did not mind being styled a misdemeanant. He (Mr. Leigh) thought that was rather splitting of hairs, as what difference could it make to such a person whether he was classed as an offender by the terms of the bill, or being left in the same category as the misdemeanants who were guilty of conspiracy, forgery, and obtaining money by false pretences. He felt that on the question of the examination of the defendant the Section was against him. He bowed to the majority, but reserved his own opinion. If he was shaken by the discussion as to whether the defendant should be examined at all, he would still maintain that the mode of procedure suggested by the bill for the examination of the defendant was not a good one. He had formed his opinion, not only by conversation with those who held high judicial positions, but also by his own experience. Of all men he ought to be in favour of the change, because out of many cases which he had defended for murder, only one, in his judgment, was an absolutely innocent man, and his innocence was proved in the following way. Three or four men were tried for murder, jointly, and all were acquitted; they were all subsequently tried for a burglary, arising out of the murder charge. One of the men pleaded guilty, and was thereupon called for his (Mr. Leigh's) client. The evidence of that guilty man completely

Digitized by Google

exonerated the other from any share in the transaction, and conclusively showed that he was not there at all. The jury sat uneasily in their seats all the time that evidence was being given, thinking how near they had been in convicting the whole of them for the capital offence. Notwithstanding this instance, he came to the Congress, and was opposed to the change, more especially if the procedure was to be the one suggested by the bill. He objected to the judges having power to cross-examine, and then summing up to the jury the effect of their own cross-examination. He objected to the uncertainty which would arise from the views different judges would take of their duty in carrying out that cross-examination. He knew well the different views election judges had taken of their duties in carrying out their powers under s. 32 of the Election Act of 1868, which enables them, even if parties to the petition do not call or cross-examine witnesses, to call and examine them themselves. In his experience, some judges have carried out this provision to the utmost, whilst others have absolutely refused to do so. This was enough to indicate the uncertainty that would follow in practice, if prisoners were allowed to be cross-examined by judges. He hoped, if this clause stood, the judges would come to some understanding as to the course to be pursued by them, in order to insure uniformity in carrying it out.

TITLE TO REAL PROPERTY.[1]

Simplification of Title to Real Property by record of Title or otherwise. By Sir ROBERT R. TORRENS, K.C.M.G.

THE curiously factitious procedure in conveyancing peculiar to this country was never devised as a system, but grew up in ancient times out of the conflict between the ecclesiastical and civil powers, and has been continued to this day in the interests of the conveyancers, greatly to the prejudice of the rest of the community. Lord Brougham, in his great speech on Law Reform, pronounced that an effect of this system was 'to render the possession of land in small parcels a luxury which a rich man may indulge in, but a ruinous extravagance in a man of small means'; and the present Lord Chancellor, when introducing his Bill for Registration of Title in 1859, thus described the working of that system to supersede which his Bill was designed:—

'You buy an estate at an auction, or you enter into a contract for the purchase of the estate. You are very anxious to get possession of the property you have bought, and the vendor is very anxious to get his money. But do you get possession of the property? On the contrary, you cannot get the estate,

[1] See *Transactions*, 1872, p. 159; 1873, p. 205.

Digitized by Google

nor can the vendor get his money, until after a lapse—sometimes no inconsiderable portion of a man's lifetime—spent in the preparation of abstracts, in the comparison of deeds, in searches for incumbrances, in objections made to the title, in answers to those objections, in disputes which arise upon the answers, in endeavours to cure the defects—not only months but years frequently pass in a history of that kind; and I should say that it is an uncommon thing in this country for a purchase of any magnitude to be completed—completed by possession and payment of the price—in a period under, at all events, twelve months. I pay the expense—the considerable expense which is incurred—in addition to the price which I have paid for an estate, and I obtain a conveyance. About a year afterwards I desire to raise money upon mortgage of this estate. I find some one willing to lend me money, provided I have a good title to the land. The man says: "It is very true that you have bought this estate, and that you investigated the title, but I cannot be bound by your investigation of the title, nor can I be satisfied by it. My solicitor must examine the title, and my counsel must advise upon it." And then as between me, the owner of the estate, and the lender of the money, there is a repetition of the same process which took place upon my purchase of the estate, and, consequently, the same expense is incurred as when I bought it; and for the whole of that I, the owner of the estate, and the borrower of the money, must pay. Well, that is not all. Months or years after all this is completed, from circumstances, I find I must sell my estate altogether. I find a person willing to become a purchaser. The intending purchaser says: "No doubt you thought this was a good title when you bought this estate, and no doubt this lender of money thought he had a very good security when he lent his money; but you are now asking me to pay my money: I must be satisfied that the title is a good one, my solicitor must look into it, and my counsel must advise upon it." Then, again, commence abstracts, examinations, objections, difficulties, correspondence, and delay. I am the owner of the estate, and I must pay substantially for the whole of that, because, although the expense is paid in the first instance by the purchaser, of course, in the same proportion as that expense is borne by him, in the same proportion will he abate the price which he will give for the estate.'

To show the disabilities and depreciation of property caused by this system, it may suffice to refer to a single instance—that of mortgage.

Digitized by Google

Instead of charging an estate in land with a sum of money, as is done by a dozen lines in the space of fifteen minutes under Registration of Title, the estate of the mortgagor is conveyed to the mortgagee by deed subject to a right of redemption. The latter then gets possession of the deeds, and as the conveyancers express it, 'sits on them.' The consequence is that the mortgagor, in the event of his requiring a further loan, is placed in a most injurious position; for the second mortgagee would not only be hampered in his remedies in case of default, but also liable to be ousted of his security by a subsequent mortgage tacked on to the first. The consequence is that, however ample the security may be in point of value, second mortgages are as a rule interdicted in settlements—shunned by prudent men—and only accepted at exorbitant rates. For example, suppose a borrower to offer a second mortgage on an estate value 100,000*l.*, but already charged with 10,000*l.*, and another borrower to offer a first mortgage of the same amount on an estate worth 20,000*l.* only, the latter would have no difficulty in finding a mortgagee at 4 per cent., whilst the former would have considerable difficulty in finding a mortgagee at a much higher rate, though the cover he had to offer was 80,000*l.*, as against 10,000*l.* offered by the latter.

Insecurity of title and facility for the commission of frauds constitute further and potential causes of depreciation in value of land, for, as an eminent conveyancer (Mr. Freshfield) has testified: 'Title by deed can never be demonstrated as an ascertained fact, but can only be presented as an inference more or less probable, deducible from the documentary and other evidence accessible at the time,' and practical demonstration of the special facilities for commission of fraud which that system affords is given in the case of Roupell, but more recently in the extensive frauds committed by Dimsdale and others.

In a Report of this Society, now more than twenty years back, I find it affirmed that 'it has been estimated by persons of authority and experience in such matters that the removal of the evils of the existing procedure by the substitution of a cheap, simple, expeditious, and accurate system of transfer of land would add four or five years' purchase (some will say ten) to the value of land.' The result of actual experiment in our colonies more than justifies the highest of these estimates. In South Australia, Queensland, New South Wales, Victoria, Western Australia, New Zealand, British Columbia, and Fiji, under registration of titles security has been substituted for insecurity—simplicity for complexity—cost has been reduced from pounds to shillings, and time from months

Digitized by Google

to days, and the process has restored the land to its natural intrinsic value.

We will now consider whether the same or some other remedy may best be applicable to the case in this country.

Our indictment against the present system is, in brief, that it is insecure, costly, tedious, cumbrous, and affords facilities for fraud; and, as I have shown in a former Paper addressed to this Society, each of the five counts of this indictment has its origin in the retrospective or derivative character of title, and no remedy can be effectual which does not cut off that retrospect, and clear the title on completion of each transaction or event.

Registration of deeds has recently been suggested as the remedy, especially as regards prevention of frauds, and a Committee of the House of Commons has been appointed to inquire into the matter.

The time limited will not admit of my going at length into this part of the question, but I am well content again to avail myself of the testimony of the Lord Chancellor. Lord Cairns, on the occasion before referred to, said: 'Registration of deeds will not simplify titles in the least. It only puts on a formal record all that multitude of deeds and conveyances, of the extent and complexity of which we have already so much reason to complain. You have to investigate and search just as before. In addition to that you have to pay for searching in the register, and also to pay, in some shape or other, the expense of placing the deeds upon it.' Registration of deeds then fails in the primary requirement: it does not cut off the retrospect. I have had considerable experience in conducting both systems, and will state a few facts in proof that, so far from rendering fraud more difficult, registration of deeds opens the door to a distinct class of frauds to which simple conveyancing is not subject:—*e.g.*, A. deposited title deeds, by way of equitable mortgage, to secure an overdraught. He subsequently executed a deed of mortgage of the same land to another party, who registered. The banker, though prior in point of time, was defrauded. Again, A. lodged a sum of money with his solicitor, to be invested on mortgage. The solicitor prepared the usual deed, forging the name of a landed proprietor as mortgagor, and duly registered the same. A. was deceived by the certificate of registration, bearing the official seal. The solicitor paid the interest punctually for a year or so, and then absconded. A. was defrauded. I could instance other cases, but these may suffice to indicate that registration of deeds affords no safeguard against the class of frauds referred to, whilst it opens

Digitized by Google

the door to frauds of another class, neither of which is practicable under my method of conveyancing by registration of titles, which I will now proceed to describe.

The register is the pivot upon which the whole mechanism turns. It is compiled by binding together the duplicates of all certificates of title representing the freehold, each of which constitutes a distinct folium, consisting of two or more pages set apart for recording together in the order of their registration the memorials of all future dealings, whether with the freehold or with any lesser estate or interest in the land represented by the certificate, until a change of ownership of the freehold is registered. When this occurs, the existing certificate is cancelled, the existing folium of the register closed, a fresh certificate issued to the new proprietor, and a new folium opened in the register upon which are carried forward the memorials of all lesser estates, interests, and charges affecting the land and continuing in force at the time of registering the change of ownership of the freehold. No deed or other instrument is effectual to pass or charge any estate or interest in registered land, but, so soon as the registrar shall have entered the particulars of any transfer charge or other dealing, the estate or interest thereupon passes or becomes charged as the case may be.

Registered estates are held subject to such charges, liens, estates and interests as are notified on the folium of the register constituted by the certificate of title, but free from all other charges, liens, estates, or interests whatever, and are indefeasible, except when the registration has been obtained by fraud; and the registration of a transfer or charge, *bonâ fide* for value, is indefeasible, even though it be from or through a transferor or mortgagor who obtained registration fraudulently.

Indefeasibility is indispensable if the dependent or derivative character of titles, out of which, as has already been demonstrated, all the evils of the English system of conveyance originate, is to be got rid of, and as, despite every precaution, a mistake may be made in granting indefeasible titles, it becomes necessary to provide compensation for persons who may possibly thereby be deprived of land. For this purpose a fund is created by a contribution of ½*d.* in the pound sterling, levied upon the value of land when first brought under the system, and upon the value of land transmitted by will, or upon the intestacy of a registered proprietor.

This almost inappreciable sum has been found far more than sufficient for the object, insomuch that a large assurance fund has accumulated in the colonies in which the system has been for any time in operation.

Digitized by Google

Printed forms of contract are supplied at the registry. All covenants essential to the use, existence, and enjoyment of estates and interests which are the subject of the contract, are by law declared to be implied; and certain usual though not essential covenants may, by the use of brief forms of words, be stipulated as fully and effectually as if set out at length. In fact, the statute for abridging verbiage in deeds, originated by Lord Brougham, though a dead letter in this country in consequence of the opposition of the attorneys, has been adopted in the colonies, and found to be of essential service.

The contracting proprietor is required to acknowledge the execution of the instrument before the registrar, or a notary public, justice of the peace, or commissioner for taking affidavits, who, upon satisfactory proof of identity, will certify such acknowledgment by certificate under his hand and seal.

These instruments, even when executed, do not pass the estate or interest.

They suffice as basis for action for non-fulfilment of contract and constitute the authority for the registrar to enter memorial of the transaction in the register. They are executed in duplicate, and together with the certificate of title of the contracting proprietor, are presented to the registrar, who endorses each with a certificate of registration, setting forth the volume and folium of the register on which the particulars are recorded. The registrar returns the certificate of title of the contracting proprietor endorsed with a memorandum that the estate or interest has passed or become charged, as the case may be. He files one original of the instrument of contract and hands the other to the transferee. Instruments thus endorsed with certificate of registration are conclusive evidence of title in all courts of law and equity. Registered estates and interests take priority amongst themselves according to the date of registration, and over all unregistered interests whatsoever.

When an estate in fee simple or a life estate is transferred, the transferee may take over the certificate of title of the transferor, endorsed with a memorial stating that he has now become owner; or, if deemed convenient, he may have a fresh certificate of title, cleared of the memorials of previous dealings, except such as are still operative, in which case the existing folium of the register is closed, and a fresh one opened for the dealings of the new proprietor.

Charges and leases are transferred, released, or surrendered by brief endorsement on the instrument of title and entry in the register as above described.

In mortgage and incumbrance, the old fiction of transfer-

Digitized by Google

ring the legal estate is abolished, and the object is attained by a direct instead of a circuitous procedure. The usual remedies are declared by the act to be secured to the mortgagee or encumbrancee. The mortgagor retains his certificate of title bearing endorsement notifying the mortgage. He can thus deceive no one, yet he retains full facilities for a second mortgage; and when all such charges are cleared he may, if he desire it, obtain a clean certificate freed from all record of the past. It is no uncommon thing for a mortgage to be completed in the space of an hour, at a cost of ten shillings to twenty shillings. No portion of the system has worked so beneficially for the community.

The following is the practice as regards equitable mortgage. The borrower executes a contract for charge in the authorised form, either for a specified sum, or, as is more usual, for such sum as may appear due upon balance of account at any future date. This instrument, with the certificate of title, is held by the creditor, who does not register, but lodges a caveat forbidding the registration of any dealing with the land until fourteen days or other named period have elapsed after notice of intention to register the same has been served by the registrar at an address given. A red ink cross, with the number of the caveat, is then inscribed on the proper folium of the register. The creditor, upon receipt of such notice, or at any time, may turn his equitable mortgage into a registered charge, by presenting the contract for charge with the deposited certificate of title at the registry office.

Direct settlements and entails are created as follows. The registered proprietor executing a form of transfer to himself or any other person for life, with reversion to others in succession, with or without powers of appointment, and with remainder over as he may prescribe, in such case the existing certificate of title of the land is cancelled, the register folium closed, a fresh folium opened, and a fresh certificate issued for a life estate. Upon the death of the tenant for life this must be surrendered, and a fresh certificate issued to the next reversioner for the estate, to which he succeeds in accordance with the terms of the instrument of transfer executed by the original settlor.

As regards indirect settlements, no notice of trusts can be entered on the register, but a proprietor desiring to settle his estate through the instrumentality of trustees, may transfer his estate to one or more persons by the procedure above described, and then deposit in the registry for safe custody and reference any instrument declaratory of trusts executed by the

Digitized by Google

transferees, and by caveat prohibit the registration of any dealing, except in accordance therewith, or with the sanction of the supreme court. He may also direct the words 'No Survivorship' to be entered on the certificate of title, the effect of which will be, that without the sanction of the supreme court no dealing with the property can take place until any vacancy occasioned by death or otherwise in the original number of trustees has been filled up. Persons beneficially interested in any settled estate may, in like manner, by caveat, bar the registration of any dealing therewith, either absolutely or until after notice for a time specified has been lodged at an address given.

These provisions have been found to afford ample security. Under this method, accumulation of instruments with voluminous indexes, the fatal objection to other systems, is avoided, as each separate estate or interest in each parcel of land is represented, so long as it exists, by one instrument only, and as each instrument necessarily discloses the nature of the property held by the proprietor, with all that a party dealing can require to know, search is unnecessary, except to ascertain the non-existence of caveats; and even this is accomplished without reference to any index, as each instrument indicates the folium where the history of the title is recorded.

The system is central, there being but one registry office in each colony, yet the registering officers correspond officially, transmitting documents and facilitating business for parties resident in one, dealing with land situated in another.

Some misconception prevails respecting the advantages of district registration. The dealings of a proprietor are not in any way facilitated by the existence of a registry in the locality where the lands are situated, although he may derive some convenience from the existence of a registry at the place where he happens to be at the time of dealing. It is, therefore, questionable, whether a general register in the metropolis would not, after all, best meet the convenience of the bulk of proprietors.

Be that as it may, I am convinced that District Registry would treble or quadruple the expense of management and lead to confusion and difficulty, and as experience has shown that central registration works so satisfactorily in widely scattered populations, there can be no doubt of its efficiency in this country where the facilities for communication by post and telegram are so superior.

Amongst the special safeguards against fraud which this system affords I would enumerate:

Digitized by Google

1st, The certificate of title of the vendor-mortgagor or lessor which corresponds with the folium of the register and discloses all that it concerns a party dealing to know.

2ndly, Search, preliminary to payment (which may be made personally, by letter, or by wire), checks 'in limine' the attempt to practise fraud such as that committed by Roupell, Dimsdale and others; for although it is conceivable that the certificate of title under the hand and seal of the registrar might be forged, it remains impossible to get a forged duplicate of that document into the register, and therefore the reply to search would be, 'No such title registered.'[1]

3rdly, Proof of identity of parties dealing before a public functionary.

4thly, 'Caveats' and 'non-survivorship,' which afford protection to beneficiaries and persons holding equitable interests.

The procedure in placing land on the register resembles that under the Irish Estates Court, only that the costly and tedious resort to a court is avoided, except in cases of doubt or dispute.

The applicant for registration is required to produce all deeds or other evidence of title in his possession or under his control, together with an abstract of the same, and to make statutory declaration that he is in possession of the land for the estate in respect to which he applies, that he is legally and rightfully entitled thereto, and that his title is not the subject of 'lis pendens,' or dispute.

The documents are then referred to the 'examiners of title,' who call for further information if required—in case of doubt, prepare a case for opinion of the courts. If in their judgment the applicant makes out a good holding title, the existence of technical defects in the evidence notwithstanding, then the examiners advise the registrar to advertise, for such period and to such extent as the case may require, calling all parties having any claim to appear and show cause why the applicant should not receive a title indefeasible to the estate claimed by him. Notices to the like effect are served through the post on all proprietors and occupiers of land having contiguous boundaries, and upon such other persons, if any, as the examiners may direct. An outline map on a sufficient scale, showing the external boundaries of the land in question, is prepared or certified by the survey department. This is copied on to the certificate of title, which document is prepared in duplicate, originals signed and sealed by the registrar, one original given to the applicant, the other is bound up in a volume of the

[1] Cost of search 1s.

Digitized by Google

register and constitutes a folium on which are registered, by memorial, all future dealings with lesser estates or interests in the same parcel of land. Every instrument evidencing title thereafter registered, affecting any estate or interest in that piece of land, is marked with the number of the same volume and folium, whereby each instrument becomes in effect its own index, and by this simple expedient enormous saving in time, labour, and money is secured. Such of the deeds produced as relate to other lands or interests besides those registered are returned to the applicant. Those which relate only to the registered land are retained in the registry for a certain period, after which they are destroyed.

It has been already stated that when land is sold in several allotments, a separate certificate of title is issued for each. So also when adjacent parcels are bought up to constitute one estate, one certificate of title will be issued for the aggregate in exchange for those of the several parcels.

It remains to consider how it comes to pass that all attempts to apply to this country a system which has now stood the test of twenty years' experience in Australia, and which has been adopted in one colony after another upon the evidence of the almost inestimable benefits which it confers, have totally failed.

My answer is, that the authors of the several Acts which have been passed avowedly for that purpose, have failed more or less to recognise the fundamental principle which distinguishes conveyancing by registration of title from conveyancing by deeds. In the former the estate or interest passes upon registration, the certificate or other instrument held by the proprietor being merely a convenient evidence that the title is in him, and by no means essential. Lord Westbury's Act, in contradistinction (see Section 63), runs thus:—'Registered land may be conveyed, charged, settled or dealt with, by any deed, will, judgment, decree, or instrument, by which such land, if not registered, might now, according to law, be charged, settled, devised, dealt with, or affected.' That, distinctly, is conveyancing by deed, not by registration.

Again, Lord Westbury, in requiring a perfect title to be made out by the applicant for registration, occasioned needlessly a great expenditure in time and money, limited the scope of the measure, and deprived it of one of its chief advantages, namely, conversion of good holding titles into perfect or marketable titles, an incident of registration of titles which would in this country, as it has in the colonies, enhance greatly the value of a large class of estates in land. Again, the machinery set up for working this Act is so inapt, defective,

Digitized by Google

and cumbrous, that Mr. Spencer Follett himself declared before the Royal Commission of 1869, that 'it would be impossible to work it upon any such scale as would compensate the public for the large expenditure which it entails.' The admission of trusts to the register, contrary to the practice in the analogous case of transfer of shipping and stock, introduced another element of difficulty and confusion. Finally, the option to withdraw the land from the operation of the Act would alone suffice to render it a dead letter. For we are an attorney-ridden people, and the option nominally given to the landowner is virtually given to his attorney. It would, however, be unjust in the extreme to attribute unworthy motives to the profession, in advising their clients to abstain from placing their properties under a system so defective and unworkable as that of Lord Westbury.

Lord Cairns's Act is, to some extent, obnoxious to the same objections which caused the miscarriage of that introduced by Lord Westbury. Notably, Section 49 admits of conveyancing of registered land being carried on by deed for an indefinite period. So far it is but a hybrid measure, an attempt to carry on two antagonistic principles in dealing with land. Again, this Act gives no indefeasibility of title as regards boundaries. Colonel Leach, in his evidence before the Royal Commission of 1870, gives his opinion on that point as follows:—'An indefeasible title would be of comparatively little value unless the lands to which the title applied were defined. Such a title would, in fact, apply to the individual and not to the lands, and not a single plot of land could be said to have, or be dealt with as having, an indefeasible title.' He further states (Query 111): 'Since the commencement of the work we have not found the slightest difficulty, either as regards maps, or in ascertaining all necessary particulars respecting the boundaries of the properties to be registered. The expense of survey is from 1*s.* to 2*s.* per acre, but the cases in which we have to require a new survey are very few; as a rule, the tithe maps are sufficiently correct.' The consequence of not according indefeasibility as regards boundaries is that recourse must be had to the old deeds to evidence the parcels. The retrospective character of titles, the origin of all the evils of the present system, is not cut off, and the aim and object of registration of titles is frustrated. The official mechanism for carrying out this measure, though a great improvement on that prescribed by Lord Westbury, is yet sufficiently cumbrous to warrant the opinion of Mr. Spencer Follett, 'that it could not be carried on on such

Digitized by Google

a scale as would compensate for the expense.' The *ad valorem* charges appear excessive and deterrent.

Finally, even if free from these defects, the result of giving nominally to the proprietor, but practically to his solicitor, the option to place land under the system, and the power to withdraw it again from that system, is in itself sufficient to ensure its failure, as has been demonstrated in the case of the Irish Act.

It would be difficult, not to say impossible, to imagine conditions more favourable for introducing the system of conveyancing by registration of titles than those which exist in Ireland.

An admirable Ordnance survey, and the subdivision of the country into town lands corresponding generally with holdings, afford the utmost facilities for describing parcels. About one-seventh of all the titles in Ireland have, within a recent period, been purged of all defects and obscurities by being passed through the alembic of the Estates Court, and the people have been taught by experience to appreciate the value of indefeasible titles. The titles which had been cleared by the Estates Court were gradually becoming again encumbered under the operation of conveyancing by deed. To stay this process and to preserve all future Estates Court titles clear and free from that liability, registration of titles under my method was proposed under the advocacy of an influential association presided over by the late Duke of Leinster.

Unfortunately, the legal gentlemen who undertook to revise my Bill deemed it expedient, in order to propitiate Lord Westbury and ensure the passing of the Bill through the House of Lords under his auspices, to import certain provisions of his Act which were antagonistic to the principle, and amongst them clauses giving the proprietor of an Estate Court title power to withdraw his land from the operation of the Registration of Titles Act, either on the first issue of that title from the court, or at any subsequent period. The attorneys were not slow to avail themselves of the weapon thus placed in their hands. They prepared a printed form for intimating desire to withdraw from the operation of the Act, and pressed it upon their clients for signature. Irish landlords, being attorney-ridden, did as they were bid. A few, however, refused for a time, but when, as is not unfrequently the case, they required to raise money on mortgage, the solicitor of the mortgagee said, 'Sign this printed form of authority for withdrawal of your land from the operation of the new Act, and then we will discuss the proposition for a loan. Under the old system my costs on the transaction would be 50*l.* or 60*l.*,

Digitized by Google

under the new I could not charge as many shillings.' The pressure was irresistible, the titles were withdrawn one by one, and the Act collapsed.

Whenever we come to consider the possibility of adopting registration of titles in England, this obstacle of professional hostility stares us in the face. How can it be got over? One of our Australian judges, arguing that the conveyancers had a freehold interest in the old system arising out of the money, time, and labour expended in mastering the highly artistic and very intricate science of conveyancing proposed to be superseded by my Act, suggested that ten to fourteen years' purchase, on the average, of each man's income from that source might be a reasonable compensation, and their opposition might be bought off at that price.

I agree with him; for, after all, the conveyancer's costs are but a small item in the loss sustained by the nation through holding on to this peculiar system. The delays, the uncertainties, and the disabilities are far heavier items.

Any measure, to succeed in this country, must be compulsory, and since we cannot prohibit the sale of land, though the evidence of title be so defective that it cannot be accepted for registration indefeasible, it is necessary, if registration be compulsory, to have at least two classes of titles, the one indefeasible, the other simply possessory, giving no warranty as regards the past, but enabling future dealings to be conducted by registration. The title in this latter class would become indefeasible through the effluxion of time under the Statute of Limitation, which should be shortened to fifteen or twenty years. A third class would be advantageous, giving title indefeasible, except as regards certain objections indicated, and becoming absolute so soon as those objections are satisfied.

It has been urged against making the system compulsory, that any staff appointed to conduct it would be overwhelmed by the mass of business. The reply is that the business is now got through, though tediously, and that by limiting the application of the measure for a time to dealing with fee simple estates, and with lesser estates in lands the fee simple of which has been previously registered, the block may be avoided and the pressure reduced by at least three-fourths.

In conclusion I would point out that there is no legitimate object which a landowner can accomplish under the existing law, which may not be accomplished more readily, more safely, and at infinitely less expense under my system; and, as indicating the extent to which that system has been tested, I would state that the lowest estimate which, in the absence of recent

Digitized by Google

statistics, I am enabled to make is, that in the nine colonies in which that system has been in operation, there have been placed on the register upon voluntary application upwards of 50,000 separate estates; the value of lands comprised thereunder being over 25,000,000*l.*, the number of transfers and other dealings registered 240,000.

DISCUSSION.

Mr. H. W. Boyd Mackay (Exeter) cordially concurred in the general principle which Sir Robert Torrens had laid down—namely, that the present system was an execrable one. He did not think it was for the benefit of conveyancers; but as to the mode in which it was to be amended there was much room for difference of opinion. The benefits to be derived from the system advocated seemed chiefly to arise after the land had been put upon the register, but unless we could devise some inexpensive means of first putting it there, we could not induce landowners generally to make use of the system. We now had practically a partial substitute for registration in the fact that deeds were often kept in the custody of the solicitor of the party, who was under stronger sanctions against fraud than the owner, and as in this country we always proceed by degrees, we might begin by requiring that all deeds should be written bookwise, so as to be easily stitched together; and that each solicitor who prepared a deed should retain it until the client should desire that it should be transferred to the custody of another solicitor, or of a public officer to be appointed for that purpose. Mr. Mackay also referred to a proposition made by him some years ago, and which had received some support at the time—namely, that each instrument should recite the last preceding disposition and the transmission (if any) subsequent to it, and that notice of such instrument should be endorsed on the instrument by which such last preceding disposition was effected. He expressed an opinion that the chief difficulty which a conveyancer has now in practice to contend with is the great length of the abstract of title. The fact that draughtsmen were generally paid more when a deed is long than when it is short causes deeds to be spun out to an inordinate length, and this renders them at once difficult to prepare, difficult to comprehend, and difficult to register. A scale of fees for conveyancing, which should in no degree depend on length, and should be applicable not only to sales and mortgages, but also to wills, settlements, &c., would render other reforms comparatively easy.

Mr. G. E. Francis (Coleford, Crown Receiver and Registrar, &c.) said he had acted as registrar of deeds of transfer affecting Crown mines and quarries in the Forest of Dean for the last sixteen years, and the subject was one peculiarly within his province. The Registry he had charge of was much more perfect and complete than either the Middlesex or Yorkshire Registry, for it showed a complete chain of title, and the estate each party took. It was based on titles similar to those in

Digitized by Google

the colonies, for the properties were held of and derived from the Crown in the first instance, and were distinguishable into what might be termed Old and New Titles. The old titles rested upon awards made nearly forty years ago, the new on grants from time to time since made under the provisions of the Statute. With regard to recent grants there was no difficulty, but in the case of the older titles he had had the greatest, in putting those titles into shape. However, time, the curer of most evils, was working a cure in these cases. Sir Robert Torrens was doubtless an able authority on the subject of registration of titles in the colonies, but he could not agree with him that a system which answered in the colonies to which he referred, with about two millions of population and where all grants were derived from the Crown, would answer in this old country with its twenty-seven millions. The number of deeds that came before Sir Robert Torrens in the year was perhaps 700 or 800; here there would be, perhaps, 1,000 transfers completed every day. Sir Robert Torrens said that in the colonies they had no difficulty, except in some few cases, in going back for a clear title for fifty or sixty years; but if they were to introduce into this country a system of compulsory registration of clear and indefeasible titles as he seemed to suggest, they would create contention and discord throughout the length and breadth of the kingdom. He agreed with Mr. Joshua Williams that if effected at all registration must be a registration of deeds, not of titles, in the first instance; but he could not agree with Mr. Joshua Williams that a copy of every deed should be registered. In his earlier days he had to examine the settlements of two noblemen, one of which settlements contained about 130 skins of parchment, and the other about 110, and there were many almost equally large estates in the kingdom, and how could they in such cases well put all the contents of such deeds as these (with their numerous trusts, and powers, and covenants) upon the register? He thought it should be effected by memorial, except, perhaps, in a few instances. He, however, agreed with Mr. Williams that a registry of title here could not at once be effected; it would break down by its own weight; the work of a small registry convinced him of that. The titles of the present day in this country were to a great extent what might be termed holding titles; and what comparison could be made between the holding titles of the colonies and of this country? They were about one in 50,000, at a rough guess. Registration of title, if effected at all, must be a gradual work of time, based or founded upon a registry of deeds, and at the outset ordnance maps on a large scale of every parish or township should first be prepared. The register should be indexed with reference to the numbers of the fields or lands; and an Act should be passed to simplify the transfer of property according to short forms—as in the case of Lord Brougham's Act—which solicitors should be compelled to use. But it was only when a man took by deed a clear fee-simple estate that he ought, he thought, to be compelled to register it. If there was to be a general registration you ought not to centralise it in London, but there should be a registry office in every county. Centralisation, in his opinion, was perceptibly working a great evil—it was gradually inducing to

Digitized by Google

that state of absenteeism which was the bane of Ireland; and moreover centralisation must add to the expense and be most inconvenient, and in his district, where the forest lands were divided into many thousand properties, it would work a great hardship—the home or suburban counties might be benefited by having the office in London, but not elsewhere.

Mr. Courtenay C. Prance (Evesham) observed that, like most men who had had anything to do with land, he had read the remarks of the Lord Chancellor referred to by Sir Robert Torrens, and it had filled him with astonishment to hear that the possession of land was a luxury obtainable only after so much labour and expense. They knew, from the return made on Mr. Bright's motion, that the land of England was very much subdivided; and when it was gravely asserted that it took a lifetime to complete a purchase, there was not a solicitor in England who would not listen with the utmost wonder. He had been more than thirty years in the profession, and knew, from an extensive experience, that as a rule the larger and more important purchases and mortgages were cleared up in about three months, the majority in two months, and numbers of smaller transactions completed in two or three weeks, and less; some mortgages in a few hours. The most difficult case he had ever had to deal with related to a house property in Birmingham. The purchaser was an unwilling purchaser. The title, being partly leasehold, had to be carried back nearly 100 years. There were no contemporary plans. Adjoining leaseholds and freeholds being in the same owner, and the buildings more than once extensively altered, the boundaries had become complicated. A suit for specific performance was instituted. He obtained a decree which was appealed from, and again he obtained a decree. Even then the purchaser claimed a reference to the Conveyancer of the Court. These suits were brought under the old law, and lasted three years and a half. But that was a solitary and exceptional case. As a fact, the Conveyancing Law of England was not so complex, dilatory, or expensive as Sir Robert Torrens supposed. The success of Sir Robert arose from the circumstance that his system was tried in the colonies, where boundaries were chiefly rectangular, and owners did not tie up their estates, as in England; but mainly because, as Sir Robert had told them, he registered only absolute conveyances, leases, and mortgages, disregarded all survivorships, and referred all trusts to the Courts. Of course, on such terms, a land register would be a very simple thing. But if, in England, he told the landowners that every estate tail created by a will, and every marriage settlement was to be put under the care of the Courts, and virtually become a Chancery suit, they might think his remedy worse than their disease. He had come to the conclusion that, in this country, any great simplification of the conveyancing system, and any attempt to supplement it by a registration system was unnecessary and undesirable. It was unnecessary, because practically it was already largely in use. All over England there were certain large titles, known and accepted as roots; as, for instance, the Pitt Title, and the Manor Title in Cheltenham, which no solicitor ever dreamt of investigating. He would go farther. A man

Digitized by Google

having bought an estate, and cutting it up, and in his sale-conditions stating that the title on his purchase had been approved by counsel, would not find the smallest difficulty in selling in small lots, and restricting his abstract to his own conveyance. It was a common, every-day thing. The expenses of conveyancing, also, had been much exaggerated. Counsel and solicitors now set themselves to work to shorten deeds, and drafts were usually drawn in concise forms. He might mention a case in his own office. The purchase-money approached 100,000*l.* Yet he could not (stamps and payments excluded), in honour or honesty, charge his client more than 25*l.* for the entire conveyancing. A devise from father to son, and from son to grandson (who was vendor), was the title. Neither owner had incumbered; the abstract was comprised in two sheets; the conveyance, in forty lines, with a plan and schedule. It might be said this was an exceptional case. It was so to a certain extent, but it was with only such cases Sir Robert's scheme could deal. And it established his position, that not the English conveyancing system, but the owners' complications, occasioned the expenses, and that these expenses could not be done away with, unless the English Legislature could pass and English landowners would stand a law, prohibiting trusts in land. As a fact, cottage property was daily conveyed for 5*l.*, 4*l.*, and 3*l.*; houses, from 7*l.* 7*s.* to 15*l.* 15*s.*; estates, from 25*l.* to 50*l.* So that when Sir Robert Torrens said there was five years' rent knocked off the value of land, owing to the expenses of the English system, he assured him that idea was a perfect myth. He believed the value of land would not be raised a fraction, if Sir Robert's system were brought into operation to-morrow. The difficulty of obtaining second mortgages was also non-existent. But registration was not only unnecessary, and unsuited to the wants and wishes of the English country gentleman, it was also undesirable; because to put all the titles of England on a register would entail on the present proprietors a great expense, without any compensating benefit; and because many titles, which were now perfectly safe-holding and saleable, might be objected to by the Registrar, and not allowed to pass on some technical ground. That would seriously diminish the value of the property, and, if known, raise up claimants and litigation. It was further undesirable, as tending to future expense. If there was a registry, there must be a search and an enrolment in every transaction. Sir Robert proposed one great registry in London, and probably a plan would be needful on every deed. Then these searches must be made by a London agent, who, incurring great responsibility, would require to be paid in proportion. The negotiation for purchase, &c., would still take place in the country, and have to be paid for. But the plans, the memorial, &c., must be transmitted to and registered in town. A surveyor and London agent would thus be imported into numerous cases. And an extra and hitherto unknown expense of 2*l.*, 3*l.*, or 4*l.* incurred. In many cases it would almost double the present cost of a purchase or mortgage, and would not be a boon, but a burden. Further, he believed Sir Robert had no conception of the hundreds of conveyances, leases, mortgages, and other dealings with land which every day took place in

Digitized by Google

England. And while he conceived the registry could ill and insufficiently deal with easements of light, water-ways, party walls, &c., which present conveyancing granted and protected, he felt convinced no one central office could keep down the enormous volume of work that would be daily poured into it from say 20,000 different offices of solicitors.

Mr. G. B. Rosher (London) mentioned that some weeks before he had seen in Canada a very short deed of conveyance of land. The Canadian Act of 1864 gave two forms—one short and the other long—and the Act stated that if the shorter one were used it would be taken to mean everything that the longer one would if it had been used.

Mr. George Whitcombe (Gloucester) said, with reference to the supposed hostility of solicitors to Sir Robert Torrens's system, on the ground of their own interest, that, if it were carried out, solicitors' remuneration would be increased twenty, certain tenfold; for his part, he was in favour of a registration of deeds as opposed to a registration of title. Of course, if landed proprietors were prepared to bear the enormous expense of registering titles after inspection by an official, he, as a solicitor, would not object to it. The expense would be enormous, and that is the reason solicitors were opposed to a compulsory system of registration. He could not quite follow Sir Robert Torrens in his objection to a registration of deeds as not preventing frauds. He thought it would prevent frauds effectually. As regarded the length of deeds, there was not a very great deal to complain of. It was true there were covenants in deeds that might well be omitted; but if they wished to simplify the law of conveying property, they should have an Act passed, stating that the covenants which had sprung up through a long line of possession should be assumed and inferred. As a matter of fact, the existing Acts for shortening deeds were very much resorted to. If they were to have registration, then there should be district registries, to avoid the confusion and expense of having everything done in London.

Mr. James Marshall (Hampstead) said it was twenty-five years since he had given up the practice of the law, but he remembered the inquiry that was made after Lord Brougham's great speech upon the law of real property, and particularly the Commission presided over by the late Lord Campbell, then at the bar, into the practicability of establishing a system of registering the titles to land. The case of those who wished for registration was that it would diminish the possibility of the perpetration of frauds by the vendors of land. It was stated then that the perpetration of such frauds was a matter of very rare occurrence. There must be two to concur in it, the vendor must be a rogue and the solicitor a rogue; but the solicitor acted under a fearful responsibility, and it was seldom that such an operation could be carried out. Were we then to incur considerable expense in every case of transferring land in order to avoid the remote possibility of fraud? With regard to the safety of titles, he would say that there was a large insurance company, having offices in England and Scotland, in the habit of lending money on mortgage, and although there was a system of registration in Scotland, which was much relied upon, those lenders were quite as willing to lend their many thousands of pounds on land in England,

Digitized by Google

where there was no registration, as on land in Scotland where there was registration. He did not, therefore, think that the change was as much required as it was said to be, and undoubtedly the difficulties of introducing a system of registration which had been adverted to by previous speakers were very great.

Sir JOHN SMALE (Hong Kong) said that, as a conveyancer, he thought it was a fallacy to say that you could not put a title on the register unless you made it perfect beyond all question. But why could there not be a system of registering perfect and imperfect titles? If we had begun with the registration of deeds, and had had such a system as he suggested at work since the breaking down of the registry in Lincoln's Inn Fields, by this time there would have been registered at least a quarter of the property in the kingdom. Short forms of deeds had been spoken of, but had they not heard of Mr. Coventry's system of short forms? They were short enough, and they were followed by other short forms, very much used, compiled by Mr. Prior. Every necessary form to be used in conveyancing was, he believed, to be found there. One objection raised to registration had not been touched upon. It related to the question as to the publicity or secrecy of title. Men would not put their title on register showing mortgage after mortgage, and that system of secrecy had led to much of the misery which prevailed in Ireland. He had had a great deal to do with commercial conveyancing, and had seen property in the funds as well tied up and as secure as it was possible to be upon land. He did not hesitate to say that he had fixed upon thousands and thousands of pounds in the funds liabilities, limitations, and trusts which would long survive his life. Until he left England, in 1861, he had great and grave doubts as to registration; but when he went to Hong Kong, he found an excellent system of registration there, which had been established by Sir John Bowring. He watched it closely, and he found but one error committed, and that was an inaccuracy as to the overlapping of adjacent lands. The registration particulars could be printed upon a slip of paper, and the registration certificate carried the legal right and title under the deed.

Mr. L. W. WINTERBOTHAM (Stroud) said there was no doubt as to how the opinions of members of his profession on this subject were viewed by those not in the profession, but the comments as to self-interest should not deter members of the profession from expressing their opinion. Such comments were usually made by those who did not understand the practical bearing of the matter, as undoubtedly any system of registration must of necessity benefit the present race of solicitors. One branch of the subject had been overlooked in the course of discussion, and that was the bearing of the question on the small properties of the country acquired by the working classes. The statements in articles in the leading newspapers as to the time occupied in investigating titles—six months, nine months, years—were, as regarded the great bulk of conveyancing, laughable; and those who had to do with the conveyance of small properties knew the extraordinary want of information which prevailed on the subject of such conveyances. It was a great matter if the working classes could

Digitized by Google

be induced to acquire for themselves their cottages and gardens, and if their conveyances were made costly a blow would be struck at a most important class in the country. In his office alone (only an ordinary one) he had perhaps one hundred conveyances and mortgages of properties every year, the consideration for which was under 100*l.* There was no abstract of title whatever. Two men would come into the office; one would say, "I have sold my cottage for 60*l.*, and we want you to make out the writings.' 'Have you got your deeds?' 'Yes.' They were produced and opened, a few questions were asked across the table as to dower, description, &c., and the men were told to call that day fortnight. They came and executed the deed, and paid the expense, three, four, or five guineas, according to amount incurred of their deeds. That went on day by day, and week by week. The idea of burdening such properties with the cost of registration in London was preposterous. In all his experience he knew of but three cases in which fraud was committed that could have been in any way affected by registration. It seemed to him astonishing that the registration of *imperfect* titles should have been advocated. It would be equal to a man sending the town crier round to say he had not a good title. Such a registration must produce a mass of litigation. With respect to the question as it related to the profession, he believed there was sufficient faith in the honesty of its members to cause people to pause before they listened to what was said as to professional self-interest by some advocates of a system of registration; and as to the working population, he believed that the working of such a system, in deterring them from acquiring freehold cottage property, would be most injurious.

Mr. Freeland (Chichester) observed that whatever view they might take of the subject under discussion, they would all agree in this, that anything which tended to simplify the titles to real property, and to facilitate its transfer in large or small quantities, would be an inestimable boon to the people of England. He was sure, too, that they all welcomed the re-appearance of Sir Robert Torrens, and were glad to find him again dealing with a question which he had kept before them for some years. He had acquired an amount of experience on the subject which entitled him to be heard with the greatest respect, and to have his proposals received with great attention. With respect to professional jealousy it might to a certain extent have operated, but they had heard experienced solicitors speak upon the subject, and they were of opinion that the system advocated would not lessen, but would on the contrary increase, the expense of conveying land. The short forms which had been spoken of were, it should be remembered, the work of lawyers, and the Law Amendment Society contained a number of solicitors as well as of barristers. One great obstacle in the way was, he believed, the great expense which no doubt would be entailed by registration of titles on the large proprietors of the country, and by which professional men would largely benefit. Another obstacle was that large proprietors did not like the disclosures of heavy mortgages which a system of registration would involve. These were real obstacles, but if the terrorism of a compulsory registration of title

Digitized by Google

would induce some of those great proprietors to think whether it would not be for their benefit to sell instead of going on mortgaging, he would not be disinclined to say that ultimately it should be made compulsory. We had a certain amount of registration already. We had our registration counties and our copyholds, but that which was now advocated was something very different. As regards the observations of Lord Cairns, which had been referred to, he had a great respect for the noble and learned lord, but he was afraid he had imported into the question some of that Conservatism of which he was so able a political exponent, but which was out of place in reference to law reform. As regards conveyancing, for his own part he thought that Lord Brougham's Act would apply to any transaction, and if it required modification it would be very slight indeed. However, whether we arrived at an absolute agreement or not, we had, by the ventilation of the question, elicited from professional men, solicitors and others, a large amount of their practical experience and valuable facts, which would help us towards the solution of a great and important problem—namely, could we or could we not do anything to simplify the complex titles existing in England, and could we or could we not facilitate the transfer of landed property, which was one of the great desiderata of an old agricultural country, and the purchase, by cottagers and others, of small portions of land which they might wish to call their own.

Mr. H. N. Mozley (London) said he regretted that the admirable Paper which had been laid before the section by Sir Robert Torrens had met with so little concurrence on the part of those who had taken part in the discussion. Several of the gentlemen who had spoken, however, did not agree much more amongst themselves than they did with Sir Robert Torrens. Some had advocated the registration of deeds; some had opposed even that. With reference to fraud, one speaker said it would need to have two rogues to commit a fraud; but it did not seem to occur to him that a solicitor might be fraudulent and not his client. There was hardly a year that they did not hear of gross cases of fraud, and fraud that would have been prevented by the system advocated by Sir Robert Torrens. He (Mr. Mozley) was sorry that so little reference had been made to Lord Cranworth's Act. It was not used nearly so much as it should be. At present deeds were unnecessarily long and complex. They ought to be shortened, and so clearly expressed that they could be understood by any intelligent non-professional person. The registration of imperfect titles had been suggested, and he could see no objection to it. If imperfect titles were allowed to be registered, time should be given to objectors to put in their claims. A system of registration of imperfect titles would gradually enable the title to become perfect by the rule of allowing no claim after the lapse of a certain time.

Mr. E. T. Brydges (Cheltenham) begged to add his testimony to that of Mr. Winterbotham, as to the probable effect of registration on the cost of small conveyances. He knew, from his experience in the sale of small lots of building land, when the purchase money varied from 20*l.* to 50*l.*, that the conveyances usually cost the purchaser about two or three guineas. If to this was to be added the costs of searches

Digitized by Google

by agents in a distant registry (for it appeared to be admitted that local registries were inadmissible), registrars' fees, and so forth, to say nothing of waste of time, the effect would be to add, in many cases, 25 per cent. to the purchase-money. He himself had had recently to register a property he had purchased, which was placed on the register under Lord Westbury's Act. It was a simple case of sale, under a power of sale in a mortgage deed; but it took him nearly three months to get it registered, and it cost him between 7*l.* and 8*l.* to do it. He had been requested to read a letter from a professional gentleman in the town (Mr. Stroud), who was unable to attend, and who had had considerable experience in the conveying of small properties, opposed to a system of compulsory registration. (Letter read.) What might be applicable to a new country would be inapplicable to our complex system. He did not know if any calculation had ever been made as to the number of small holdings and number of transactions in land carried on by the 10,000 practising solicitors in this country, but he thought it would require some thousands of registrars and clerks to get through the business, if registration was made compulsory, and to that, after all, must be superadded the services of the solicitor. One of the gentlemen who had spoken referred to the superior safety of consols and caveats, and people say, 'Oh, land ought to be as easy of transfer as money;' but, under the present system, nine-tenths of the frauds that occurred were misappropriations of funds, stocks, and shares, and he hoped he should never see the day when it was as easy to misappropriate land as it was to misappropriate money. He could give the Section a striking instance, which came under his notice a short time since, where a testator left between 30,000*l.* and 40,000*l.* in money, and land to the value of another 30,000*l.*, to trustees, in trust for his wife and children. One of these trustees, during his co-trustee's life, by deceiving him and getting him to sign transfers, and after his co-trustee's death, without any check whatever, using the money for his own speculations, made away with every penny of the personalty; and he (Mr. Brydges) knew, from facts which came to his knowledge, that he would have mortgaged and made away with the land if he could have done so, and that he could readily have done had the land been simply registered in his own name; and his cestuique trusts have reason to congratulate themselves that the essential difference between money and land has hitherto remained unimpaired. It is said that Lord Westbury's Act failed, because a perfect title was to be registered; but Lord Cairns' Act does not require this, yet that is equally a dead letter. These facts show that neither is required. The large landowners do not ask for it, and the small ones would not like it, if they got it. The advocates of it say, 'To succeed, it must be made compulsory;' but he submitted that no case had been made out for compulsory legislation. Compulsory legislation was only justifiable where the measure was one absolutely necessary to the well-being of the community at large, as in the case of the Vaccination Act, the Contagious Diseases Act, and the Public Health and similar Acts; and even as to some of those an agitation for their repeal was going on. To justify a compulsory legislation, a very strong and clear case must be made out, and that, he submitted, had not yet been done.

Digitized by Google

Sir ROBERT TORRENS (London) in replying, said his answer to the questions just asked was that the whole of the landed proprietors of this country, and the whole of the mercantile community, cried aloud for some relief from the intolerable burden of the present system of conveyancing; and having seen the success of the registration of title in nine colonies, he ventured to put forward that system from actual experience of nearly twenty years as a safe and effectual remedy. One objection to the system of registration which was originally made by Mr. Winterbotham had been repeated by Mr. Brydges, namely, that it would militate against small owners. Why, it was because of the great simplicity and cheapness of registration of titles, and the great burdens imposed by the old system, that it was first adopted in Australia, and so far from imposing greater burdens on small owners it was to that class that it afforded the greatest relief and the greatest benefit. The cost of the transfer of a piece of land under the present system in the colonies would be from 10*s.* to 20*s.*, and the time occupied, instead of being weeks, months, or years, would be under half-an-hour. So far from the expense of the transfer being ruinous to the working man, it would seldom exceed 20*s.*, and as regards mortgage and leasehold might be done for 10*s.* He admitted that if the charge so made against the system were true it would be fatal to it, but it was not. Then with respect to the length of deeds, he was quite aware that Acts of Parliament had been passed for the shortening of covenants; but what had been the result? Were these Acts really operative? He had no hesitation in saying they were not. Unnecessary verbiage in deeds was not done away with, and practically the Acts of Parliament, like many other measures of reform, being optional, remained in abeyance. Again, it was said that the cost of searches would be excessive, and that the time occupied would be considerable. Well, the cost would be 1*s.*, and the time occupied would be five minutes. He was interested in a property of not more than thirty acres in this country. The title to it took a year-and-a-half to investigate, and the cost amounted to about 300*l.* As that property was broken up into some twenty blocks for sale, the title, in the case of sale or mortgage of each plot would have to be investigated again on behalf of the purchaser or mortgagee, and thus a crop was sown to yield twentyfold costs for the benefit of the conveyancers. Under a system of registration of titles each buyer would obtain a clean title without any reference to the past, and the cost would be about a guinea or so. The authority of Mr. Joshua Williams had been quoted against the system, but on the other side we had Lord Westbury, Lord Cairns, and Lord Hatherley, and the reports of two Royal Commissions, and of four or five committees of the House of Commons in its favour. He might add that he was in communication with official persons in the United States, with a view to the establishment of a system which had been productive of such good results in the British colonies. He had very briefly noticed the principal objections which had been urged; to go through all would require more time than was at his disposal. He thanked them for the attention which they had paid to his Paper.

The PRESIDENT (Mr. Commissioner Miller, LL.D.), in summing up the discussion, said that two things were quite clear: first, the

Digitized by Google

existing system was one which was often very oppressive; and secondly, every attempt made to amend it had been an utter failure. Whether Sir Robert Torrens's attempt would share the fate of its predecessors, they must wait to learn. That, however, was a good reason for trying it tentatively, not compulsorily. If the Act was supposed to be for the benefit of landowners, they should be allowed to consider whether it was for their benefit or not; and therefore, while he thought that, in all probability, there was a large class of cases in which a registration of title might be very conveniently substituted for the present system of deeds, it would, he also thought, be a very unjust thing to force the proposed system on all landowners in the country, whether they would or not. He had recently purchased a small property in Middlesex, and had not registered, trusting to his deed and possession without registration. With respect to Ireland, he was strongly inclined to suspect that the system was not adopted there because people liked an indefeasible title, and therefore went to the expense of a purchase in the Landed Estates Court. Sir John Smale, he thought, hit the real difficulty when he said it was a question of publicity against secrecy; a question which had been fought over from the days of Henry III. downwards. Parliament had endeavoured to force publicity of title, but lawyers and landowners had fought Parliament and defeated it. Whatever view we might take as to the desirability of one plan over another, we must all feel that a gentleman who sacrificed time and incurred great trouble in the prosecution of a plan for affording facilities for the transfer of land, was deserving of thanks. Whether we agreed with Sir Robert Torrens or not, we must all acknowledge that he had proved himself a public benefactor.

SPECIAL TENURES.

Whether the Extinction of all Customary and other Special Tenures, and the Limitation of Leasehold Terms are not desirable? By S. H. Gael, Barrister-at-Law.

THIS inquiry is a branch of the great question of Reform of Land Laws: a question which has been already discussed at the meetings of this Association, and of the earlier society now united with it—the 'Society for Promoting the Amendment of the Law,' and particularly on the occasions of the reading of papers by Mr. Frederic Hill, at Bristol, 1869; by Mr. Arthur Arnold, 1872, at Plymouth; by Mr. H. W. Freeland, 1872, also at Plymouth; and by Mr. Serjeant Cox, 1877, at Aberdeen.

The Paper of Mr. Freeland treated of certain alleged abuses in the administration of the existing Law of Copyholds concerning multiplication of heriots, false entries on the Rolls, and charges of stewards in copyhold transactions; and therein

Digitized by Google

the question of the steward's compensation on enfranchisement was alluded to. The points in this Paper will be hereafter noticed.

The extinction of copyholds (a large part of the question) is, I may venture to affirm at the outset, one of time only. But, nevertheless, I must crave your patience, in order to take a brief review of the origin and progress of the tenure and its related arrangements, not on a merely antiquarian search, but for the purpose of showing what it originally was, and how abnormal it has become, and how untenable it now is, on any grounds on which, in an inquiry into what Law ought to be, Law can be maintained.

This question some years ago excited considerable interest in this place (Cheltenham); but it is a general and not a merely local one, although the remedy for the evil may require adaptation to particular places. Simplification of tenure is, indeed, the basis of sound reform of land laws: and questions of better modes of manifesting title and changes of ownership, shortening title, &c., are subordinate.

For the origin of manors we have to go back to Saxon times. Land in the hands of subjects is held under tenure. The rules applicable thereto are a remnant of the feudal system, which was calculated partly for military service, partly for local government and taxation, and partly for agricultural cultivation. It is considered to have been brought here by the Saxon immigrants, and to have been derived from the practice of the Germans in dividing the territories which they conquered from the Romans on the decline of the Empire. The conquered lands were vested in the chief or leader for the purpose of division, and the lands assigned in parcels to his followers, though probably accepted by them as a reward for past service in achieving the conquest, were burdened with the condition of defending it, and deemed by the chief as the gage or stipend for the future services necessary to that end. And so in like manner were grants made for securing husbandry services. Such was the feud.

Agreeably to the well-known imitative propensity of mankind, the lands comprised in the large gifts became the subject of repartition. The tenants made themselves the lords of other tenants, by giving to them parcels of their lands to form sub-districts, to be held of the new lords by feudal service. And thus the chain of tenure reached from the chief or lord paramount (*in capite*), and his tenants, to intermediate and subordinate lords and their tenants (*mesnalty*), and districted and sub-districted territory would alike be called a manor.

Digitized by Google

The process of sub-infeudation continued in this country until about the year 18 Edward I., when it was checked by the Statute of 'Quia Emptores,' so called from its commencing words. That statute directed that on all sales and conveyances in fee of land, the purchaser or grantee should hold it, not of his immediate grantor, but of the chief lord of the fee of whom the grantor himself held it.

Hereby new tenures in fee could no longer be created, and, consequently, no new manors, which presuppose tenants holding of the lord.

The feudal gift created a relation. The soldiers or husbandmen took their parcels to hold as tenants of their lord. To strengthen the obligation between them, the tenant professed himself to be the lord's man—such was 'homage'; and he bound himself by oath to perform the reserved services, and to be true to his lord for the land which he held of him. This was 'fealty.'

The recognition of the dealings between the lords of manors and their respective tenants needed *evidence*, which was usually given openly in an *assembly* of the people concerned, and recorded in the acts of the assembly. The lords and their tenants had relative duties to be sanctioned; and the tenants had common interests in matters of cultivation (mainly at that period in open fields), and in other matters, the regulation of which would occasion *Bye Laws*. The restraint of wrongdoers in the community would require coercive jurisdiction, whence *Courts leet*; and, as the rules of dealing between lord and tenants, and between tenants themselves, became understood and settled, they would ripen into *customs*.

The districts retained by chiefs were their *demesnes*; and, in like manner, the part kept in hand by the lord of any manor was his demesne.

The parcels granted out were tenements, and the services reserved from the grantees were to do the acts of husbandry, &c., on the lord's demesnes.

The Saxon polity drew a distinction between book-land, that is, lands granted to free tenants, and alienable by them to others by deed or charter, and folk-land, that is, lands assigned to mere cultivators; the latter class might become tenants by the entry of their names on the roll of assembly, and they would obtain rights and customs of their own corresponding to those of the copyholders of a later, but still very ancient time, but though the thing might be there, the name of copyhold was not.

Besides the cultivating tenants, there were serfs, persons

Digitized by Google

bound to labour, and without property or the faculty of acquiring it. These were, perhaps, the descendants of the Britons. They were subsequently classed as villans, a term originally meaning cultivators or husbandmen. 'Villan sockmen' they are called by the ancient English lawyer, Bracton.

It was by the labours of customary tenants, on their tenements and on the lords' demesnes, that the country was brought from the wild state of nature into one of cultivation. They and other freeholders did a good deal of the fighting too, partly pursuant to their service, and partly by compact with the lord. These formed the yeomanry of England, laborious in peace and stout in war.

Upon the Norman Conquest one great alteration of the feudal system was the extending and riveting the military services. The demesnes of the Saxon Crown passed to the Conqueror and became known as ancient demesne.

In those Royal manors tenancies had been created, on some of which fixed, and in others uncertain, predial services were reserved, and both kinds of tenants had established customs, and as free and customary tenants holding of the manors they exist to this day.

While the power of creating manors existed, various anomalous tenures were formed: services of all kinds (many of these jocular, extravagant and unbecoming) were reserved according to the caprice and whim of the lord; and the wisdom of the tenants themselves also established some strange customs. The above outline of the law of tenure, slight as it is, may have been found tedious in the rehearsal. It was thought proper to give it in order to facilitate the understanding of the more technical treatment which our subject has to undergo, and to which as to a second stage we now come.

The great authority for the law of tenure in this country is Littleton's treatise, which Chief Justice Montague, in Queen Elizabeth's time, described as the truest and surest register of the fundamental principles of the law, and which Sir Edward Coke, in his profuse Commentary, affirms to be 'the most perfect and absolute work that was ever written of any human science.' This oracle flourished in the reign of Edward IV., and to him we may have recourse for a correct notion of the tenures we have to treat of, viz., the free and common tenure of socage and the exceptional tenures of burgage, customary, and copyhold.

'Tenure in socage,' he says, 'is where the tenant holdeth of his lord the tenement by certain service for all manner of services, so that the services be not knight services.' This

Digitized by Google

certain service might be fealty merely, but it was commonly service in husbandry, rendered by the tenant at certain times in the year, as to plough and sow the lord's demesnes; and from the mediæval Latin word for a plough, '*soca*,' the term socage, according to Littleton, is derived. It must not be knight service, for there was another great lay tenure in Littleton's time—that of chivalry—chiefly under the Crown for land called knights' fees, whose service was the giving attendance for a stated period in the feudal militia. The scale of this service called 'Escuage,' though settled by custom and sometimes by the Parliament commuted into money payments, was deemed uncertain. To this tenure homage, relief, &c., were incident. The tenements held in socage and by knight service were conveyed or aliened by deed like the Saxon book-land, but admittance by the lord of the purchaser or the heir of a deceased owner as his tenant was often added to complete the change of ownership.

So much for the regular tenures. There was another species of tenure that is customary, creating a different class of tenants, namely, burgage tenants and copyholders, whose rent for their tenements was work deemed more servile than fighting, and for the most part uncertain.

'Tenure in burgage,' Littleton says, 'is where an ancient borough is of which the king or another is lord, and they that hold their tenements ought to pay a certain rent by the year, &c.'

In this &c. we are told by Littleton's great Commentator we are to imply fealty and other service, as to repair the house of the lord. 'Such boroughs had divers customs and usages (1) if a man have issue many sons, and dieth, the youngest shall inherit his father's tenures within some of these boroughs as heir to his father.' This is called 'Borough English.' Another custom is that a man may by his testament devise his tenements in the borough to whom he will. Also the lands were not subject to forfeiture for treason or felony for more than a year and a day. This tenure prevailed in the town or borough of Gloucester, in the customary ancient demesne of Cheltenham (until in the latter it was altered by statute) and in some other places in the county of Gloucester. And the privileges of the tenure were confirmed by the Statute 17, E. ii. c. ii., including that of non-forfeiture for crime according to the Versicle quoted in the Act, 'The father to the bough, the son to the plough.' The customary tenure in ancient demesne is often called customary freehold. In this there is no mention of holding 'at the will of the lord,' which is the characteristic of that tenure of which we next speak; also in Littleton's words: 'Tenant by

Digitized by Google

Copy of Court Roll is, as if a man be seized of a manor in which there has been a custom time out of mind that certain tenants within the manor have used to have lands and tenements to hold to them and their heirs in fee simple or fee tail, or for term of life, &c., at the will of the lord, according to the custom of the same manor.'

Littleton notes the diversity between a tenant holding at will and one holding at will according to the custom, 'the latter having a fixed estate of inheritance and doing fealty, but a tenant at will has no certain estate, and doth no fealty. And such tenant by custom (Littleton adds) may not alien his land by deed, for then the lord might enter as for a thing forfeited unto him. But if he will alien his land to another, it behoveth him to surrender the tenements in some court unto the lord's hands to the use of him that shall have the estate.'

Littleton gives a form of surrender of, and admittance to, a copyhold tenement in which mention is made of rents and services to be yielded by custom, and of a fine paid on admittance; but nothing is said about heriots, one of the most oppressive and frequent incidents of copyhold, and sometimes occurring in freehold tenancies. These incidents must be shortly explained. Heriots are said to have arisen in the first instance by way of gift or legacy from manumitted serfs to their lord, in acknowledgment of duty and gratitude; but it soon became a forced gift of the best beast, or in default of such, the best chattel of the deceased tenant.

Rents were in money or kind, but the latter have long ago been commuted into money. Money rents are usually of small amount; this is accounted for by the diminution in the value of specie, and the retention of its denominations since the imposition of money rents.

Fines on admittance are, *quâ* value, of two kinds: 1, fixed; 2, arbitrary; the first commonly moderate for the reason above given, the latter fluctuating according to the worth to let of the tenement, but restricted by law to two years' value.

The form of surrender given by Littleton is much the same as at present. The steward is not named, though he and also a bailiff are named in Littleton's chapter on 'Tenant by the Verge,' a species of copyhold. Fleta, an earlier law writer than Littleton, not only mentions the office, but what manner of man the steward ought to be.

'The lord should provide for himself a circumspect and faithful steward to hold the courts of the manor. He should be a man provident, discreet, and gracious, bashful, humble,

Digitized by Google

modest, peaceable, well learned in the laws and customs of his province and office; capable of guiding the bailiffs in difficulties, sparing of the poor, open neither to solicitations nor bribes.'

Sir Anthony Fitzherbert's 'Surveyenge' is of the date 1539. It is a reading upon the Statute 18 Ed. II., *Extenta Manerii*; and the learned and religious judge bestows in this tract a good deal of serious and solemn counsel on lords and stewards.

The steward is bound, he says, by law and conscience to be an indifferent judge between the lord and his tenants. He exhorts lords and others not to cause their tenants to pay more rent or a greater fine than they have been accustomed to do in time past. For it seemed to him, that a greater charity or alms-deed a man might not well do, than upon his tenants; and also to the contrary, a greater bribery or extortion a man cannot do than upon his own tenants, for they dare not say nay, nor yet complain. He says that at grammar school he learned this verse—'*Dum poteris quid vis, possis cognoscere quid sis*,'—when thou mayest do what thou wilt, thou mayest know what thou art, good or evil. He wote well that many an erroneous processe the stewards make in their court rolls. He recommends, in the way of remedy, that men of law should be made stewards, with a sufficient clerk, that due proofs [copies] may be made without favour, bribery, or extortion, on pain of forfeiture of the office.

He reprobates stewards taking rewards for their goodwill in setting fines, and their clerks taking their perquisites for entreating their masters to the same; for, so he says, the lord's fine must needs become less, or else the poor man (tenant) shall be at a greater charge. It is better, he adds, after Solomon, to have a little righteously, than to have much profit wickedly.

Such is that Reverend Judge's exhortation right profitable for non-professional stewards, for he did not address his homily to the stewards who were men of law.

The manorial scheme of polity might at one time, and in certain stages of society, have had its objects and pleasures, and the feudal relation between lord and tenant its advantages.

Thus we find in a letter of a correspondent to Lord Burghley, given in vol. ii. p. 403, of the book 'Queen Elizabeth and her Times,' this description of the customary tenants in the Dent and Sedburgh vales, in Yorkshire, on the borders of Westmoreland.

Digitized by Google

'These people amongst the Fells are, as they term it, "customary tenants," and greatly addicted to raise and maintain customs. I had much to do to make them know the high authority of Parliament, which they thought could not cut off any custom, no not for reformation of any offence. There was no Justice of Peace within thirty miles, they were generally affected to religion, quiet and industrious, abstaining from drink and other excesses.'

But time, the great innovator, made great changes in the conditions and relations of society; and the legislature and judicature followed with scarcely equal steps.

Of the institutions above enumerated, villenage, the existence of which Fitzherbert deplored in 1539, disappeared some time after the Reformation. The tenure by knight service in capite of the Crown, with its burdensome incidents, was abolished in the Commonwealth period, to the great relief of the tenants in chief, and with some substitute charge on the public. The Court of Wards and Liveries was abolished, and the Supreme Courts of Law took cognizance of many questions once determinable by local tribunals. These were great improvements, but did not extend to copyholds, which have been but little benefited by statutory amendments of Real Property Law. For such amendments are suited to general conditions, and where anomalies and diversities abound as they do in copyholds, the consequence of the application of new laws to these cases could not be foreseen, and as they might work injustice in some instances if applied, to prevent such injustice, the general convenience and public advantage which would have followed from such amendment being applied to copyholders have been sacrificed. As a relation or condition of life it became useless, as a mode of holding and aliening lands an unreal, unmeaning, burthensome form, the relic of an institution reduced to its elements. In many cases of particular manors, the expedient of Local or Private Acts was resorted to for the purpose of effecting enfranchisements, settling customs, &c. These were all voluntary arrangements. No general change was promoted.

In the case of military tenures, the abolition was grounded on the position that the tenure had been more burthensome, grievous, and prejudicial to the kingdom, than it had been beneficial to the king.

The same argument was advanced on the abolition of ward-holding in Scotland by the Act 20 Geo. III., cap. 50, which has this preamble:

'Whereas it hath been found by experience that the tenure

Digitized by Google

of lands in Scotland by ward-holding, and the consequences of the same being the casualties of ward, marriage, and recognition, have been much more burthensome, grievous and prejudicial to the vassals, proprietors of land, held by that tenure, than they have been beneficial to the superiors.' By this Act, ward-holding was converted into blanch-holding of the Crown, and feu-holding of the subject superior at one penny yearly rent.

Complaints of Copyhold Tenures have been continually made since the time of the Commonwealth. The abolition of military tenures naturally drew attention to copyholds. The author of *Legeancia Lugens*, in the long catalogue of evils which were, he thought, to be dreaded from the abolition of military tenures, mentions this:—'It would take away or weaken all the manors and Courts Baron. It would invite the people to take up their not long ago designs and projects of taking away copyholds, and of enforcing the Lords to take two years' purchase for them.'

Roger North, writing about the date of James II.'s reign, says:—'It was somewhat unequal, when the Parliament took away the Royal tenures in capite, that the lesser tenures of the gentry were left exposed to as grievous abuses as the former.'

Watkins, the author of an excellent work on copyholds, in concluding it, advocated enfranchisement:—'As we have manifestly outlived the principles of copyhold law, why should that law be continued? The happy consequences of the Statute of 12 Car. II., which abolished so many feodal incidents, and turned the generality of tenures into that of common socage, hold out to us the strongest encouragement to reduce our laws of real property still more to the standard of wisdom, by reducing them to the spirit and manners of the times. There are many difficulties, it is true, in the way of a general enfranchisement, but what is there of general importance that can be effected without having difficulties to encounter?'

The testimony of Watkins is the more worthy of consideration in this place, as, although not reckoned among any list of Gloucestershire Worthies which I have seen, he was, in fact, a Gloucester man; and his profound knowledge of the subject on which he wrote and his extensive practice in copyhold conveyancing give weight to his opinion.

Bentham called for abolition or modification of laws which give perpetuity to obligations attached to property in land, in the case where these obligations are attended with greater burthen, viz., in the way of obstruction of improvement to the

Digitized by Google

party on whom they are imposed, than profit to the party in whose favour they were imposed. Such is the case with many of the obligations termed, with reference to the party favoured by them, 'feudal rights.'

Mr. James Humphreys, of Lincoln's Inn, who in his 'Considerations on the actual State of the English Laws of Real Property,' drew public attention to many of their abuses, condemned the copyhold tenure as incapable of amelioration; and 'because it would, if it admitted of any, still form a superfluous system of property law. He recommended that commissioners should go with adequate powers into every county to effect enfranchisement, and that the result, the extinction of copyholds, after a period should be published by Royal Proclamation.

Mr. Humphreys was the precursor of the Real Property Commissioners, in whose Reports the state of the Law of Tenure was investigated, and their statement and account of socage and copyhold tenures may thus be contrasted.

Free and common socage, say the Commissioners, is fortunately the tenure, by which the great bulk of real property in England is now held. In the time of Lord Coke, copyhold tenure was much more common than at present, and the land that was not of base tenure was principally held in chivalry. To the enfranchisement of copyhold, and the abolition of military tenures may, we conceive, be ascribed some portion of the agricultural improvement and increase of public wealth which has since taken place; and we consider it a matter of great importance that all lay fees should be held by free and common socage. This tenure has all the advantages of allodial ownership. The 'dominium utile' vested in the tenant comprises the sole and undivided interest in the soil. Escheat is the only material incident of this tenure beneficial to the lord, and while there is a heir or devisee, he can in no way interfere. The tenant in fee simple of socage land can, of his own authority, create in it any estates and interests not contrary to the general rules of law; he can alien it entirely, or devise it to whom he pleases, and the alienee or devisee takes immediately from him, so that the title is complete without the concurrence or privity of the lord.

For the amendment of the Law of Tenure generally they made many valuable suggestions. But the evil of copyholds they could not grapple with; and they could only hope that the irremediable evils of that tenure would induce parties to put an end to it by voluntary enfranchisement, for which they suggested that facilities should be furnished, though they pro-

Digitized by Google

posed none. But heriots, that reproach to the law, that remnant of a barbarous state, they did propose to abolish at a commutation of 5*l.* In this, however, nothing was done.

In 1838 a committee of the House of Commons reported that copyhold tenure was ill adapted to the wants of the present day and a blot on the juridical system of the country; that its abolition would be a great public benefit and should be made, if possible, a national object. The Tithe Commission, they said, should be maintained as the Copyhold Commission, and every facility should be given to enfranchisement for a short term of years; and after that period, enfranchisement should proceed on the compulsory principle.

In consequence of this Report, the Act 4 and 5 Vict., c. 45, was passed, and was followed by amending Acts. They are merely enabling Acts and practically almost useless.

Some of these Acts authorised commutation of the burdens of copyholds in a manor retaining the tenure, a plan favoured by the Commissioners appointed to work the Acts, but distasteful to copyholders, and hence abortive.

In the year 1851, a Committee of the House of Commons, to which were referred a bill for commutation, and another for enfranchisement of copyholds, reported to this effect:—'That it is highly desirable for the interests of the lord, tenant, and public, that the entire enfranchisement of these tenures should be effected as soon as practicable on equitable terms, due regard being had to the rights and just claims of all parties; that such enfranchisement should be rendered compulsory on all in the manner after defined: that it should be effected by means of a commission, and that to such commission should be intrusted full discretionary powers, as to (1) the principle upon which the consideration of the manorial rights of the lord, and compensation for the interests of the steward, should be assessed and paid; (2) The time of payment; (3) The modes of payment, being 1. Gross sum of money; 2. Rent charge; 3. Portion of land enfranchised; (4) The costs and expenses attending the enfranchisement and investing compensation-money, in cases where lords have limited interests. That in case of rent charge, it be transferable by the lord and redeemable by the tenant. And that until entire enfranchisement shall have been completed, enfranchisement shall proceed: 1. Voluntarily, under the present Acts; 2. Compulsorily, on any event causing admittance of a tenant and payment of fine (mortgage excepted); 3. Compulsorily on two-thirds of the tenants of any manor, with the consent of the lord, calling for enfranchise-

Digitized by Google

ment of the whole manor. In connection with this, Commissioners to have power to divide manors into districts. On the expiration of three years from the passing of the Act, commissioners to proceed to effect an entire enfranchisement. Commissioners to have full power to set out boundaries. Mines and minerals to be excepted; also copyholds for lives not renewable. Power to Commissioners to suspend enfranchisement under special circumstances, giving their reasons in their annual report. Powers under this Act not to interfere with powers exercised under other Acts.

In part compliance with these recommendations, the Act 15 and 16 Vict,. c. 51 (1852) for the gradual enfranchisement of copyholds, passed, and thereby compulsory powers were given to the lord and copyholder. The copyholder demanding enfranchisement had to pay compensation to the lord and to the steward in money; but the lord demanding enfranchisement had to take his compensation in an annual rent charge.

This Act was repealed by the 21 and 22 Vict., c. 94 (1858), which also repealed the commutation provisions of the former Acts, and the power of charging enfranchisement and commutation moneys on the land. Enfranchisement under this Act, as under the Act of 1852, proceeds on the piecemeal plan, at the instance of either lord or tenant, the form of lord's compensation varying as under the Act of 1852; and the steward being entitled to compensation for the abolition of his office from the tenant in every case.

This steward's compensation on enfranchisement of a tenement, for his trouble about it and the enfranchisement deed, except stamps and parchment, to be what the Commissioners direct; and, in default of direction, one set of fees on surrender and admittance for each of the tenements enfranchised, calculated according to the reasonable custom and usage prevalent in the manor. In case of difference the Commissioners to settle the fees; and where more than one set of fees is demanded, the Commissioners are to moderate them to such an amount as appears to them just and reasonable.

This plan of compensation has the vices of redundancy and deficiency. The steward should be remunerated for the abolition of his office, at once and for the entire term, according to his age, the tenure of his office, his charges, and the value of the future services which he would have been able and willing to render to the copyholders. Separate deeds, &c., occasion an expense quite unjustifiable.

The object of the Committees was the abolition of the

Digitized by Google

tenure, the means proposed were the agency of Commissioners armed with full powers to compel all parties, in order to secure the object. But the statutes are based on the voluntary principle. The powers given may be valuable to lords and tenants in given cases on either side, but the public interest of ridding the land of divided ownerships based on no reasonable grounds, by a just and equitable plan of compensation or partition, demands a law capable of application where neither party may be able or willing to call it into operation. General, not optional, enfranchisement is the desideratum. Copyhold tenure has been pronounced to be a 'blot on our juridical system,' an 'impediment to alienation' in respect of antiquated forms and the intervention of the steward, and a 'burdensome clog to the enjoyment of the Dominium Utile,' an 'obstruction' (particularly in the case of the fine arbitrary) 'to improvement'; 'a remnant of barbarism' in the case of heriots, under which a custom to take the best good of a defunct tenant, having its origin when chattels were of little value, operates in the present day to justify the seizing of such valuables as a race horse or a presentation piece of plate of the tenant whenever they may be found, and so of other incidents, many unworthy of mention, unjust and inapplicable to the present state of society.

Enfranchisements on an extensive scale have been effected under these Acts, nine-tenths of them, it is said by Mr. Cuddon, being at the instance of lords of manors. But the term of twenty years and upwards, since the passing of the first Acts, has gone by without the end of abolition of the tenure being even in view. And yet as two Committees of the House of Commons fixed a period long since past for voluntary enfranchisement to cease and compulsory measures to begin, the decree of extinction, though it may be deferred in execution, cannot be reversed.

On what grounds, it may be asked, is the maintenance of copyholds to be supported? Certainly not on the ground that the Legislature has passed a measure for piecemeal voluntary enfranchisement. If nine-tenths of the parties calling that measure into operation in their cases are lords of manors, as has been stated by Mr. Cuddon—a writer of experience on the subject—its unfitness for copyholders is evident. In regard to their relief, and in reference to the public end of abolition, it is a mockery. It has the effect, and perhaps had for its object, rather the retarding than advancing that end. Meanwhile it breeds danger, and one may say injustice, by delay.

There are, of course, opposition, objections, and difficulties

Digitized by Google

in the way of general enfranchisement. The opposition, we are told by Mr. Cuddon, is threefold:

Firstly, from stewards of manors, who, reasonably enough, he says, apprehend that their just right to a fair compensation might be questioned. Secondly, from powerful lords of manors, possessing manorial rights over property of great prospective value; and, thirdly, from several leading politicians, on the ground that an Enfranchisement Bill would greatly extend the county franchise.

Of the first class of objectors, 'stewards,' a few remarks will be made below on the consideration of Mr. Freeland's complaints.

The 'prospective value' objection has to be disposed of every day in cases of expropriation, and can present no insurmountable difficulty to enfranchisement. As to the 'political objection,' that undoubtedly was entertained some years ago; but it is believed that a healthier state of opinion has arisen, and that the enfranchised copyholders would now be deemed a valuable accession to the renowned body of Forty Shilling Freeholders.

As to the means—1. It is said by Mr. Serjeant Cox (*Transactions*, 1877), that the Copyhold Commissioners are only 'half occupied.' Here, then, is an available agency not only having leisure to do this good, but ability and experience to undertake it. 2. The work would have to be proper for each manor, but facilities should be given for a majority of copyholders in it to bind all. Under the piecemeal plan, the steward deals with each tenant, and overcomes resistance singly. *Dum singuli pugnant universi vincuntur.* And although a value enforced by one tenant ought to be a rule in other cases of enfranchisement in the manor, it is in the power of the steward to curtail its effect, by interposing difficulties and incurring expenses which it may be worth the lord's while to incur, but to avoid which the copyholder may be induced to yield, or abate what he claims to be his right. There should be general arrangements for the steward's compensation, for the award, for the custody of the rolls, &c., and as to commonable wastes. 3. The tenants should be aided in paying enfranchisement money and their shares of steward's compensation by public loan, to be repaid with interest in a period, say of twenty years, and secured by a charge on the property.

Whatever may be said of the difficulties of abolition of this tenure in England, they are nothing compared with those which the different States of Europe have encountered in dealing with serfage in their territories, as France, Bavaria, Prussia,

Digitized by Google

Sweden, the Netherlands, Russia. The difficulties indeed could not be much greater than have been and are encountered in the commutation of tithes and inclosures. It would require an elaborate measure of legislation which would demand time for deliberate preparation and statesmanship of a high order to promote it.

There would be wanting an *ad interim* measure to put a stop to grievous abuses still current. Several of these are mentioned in Mr. Freeland's Paper. 1. Multiplication of heriots in kind on division of a tenement into shares or its alienation in parcels. This hardship has arisen from the indivisibility of heriot in kind, but why this heriot could not be valued in money and shares taken does not clearly appear. Such was the rule when the lord for his heriot and the rector for his mortuary ran together. When, however, the parts of the divided tenement are reunited in one copyholder, then the lord gets but one heriot. The reason of the thing and the necessity of the case have ceased, and with it the oppressive custom ceases. But, says Mr. Freeland, the steward of a certain manor contended that if some but not all the parts are come into one person, say nine parts out of ten, nine heriots and one are still to be exacted.

It seemed to Mr. Freeland, however, that the reunion of several parts of a subdivided tenement in one copyholder ought to have the like effect as the reunion of all the parts, both as to heriots and as to the so-called steward's compensation.

The Real Property Commissioners referred to the 'stewards making irregular entries on the rolls and procuring irregular presentments by the homage of heriots being due on the death of tenants, and of payments being excused or compromised, with a view to make evidence to extend the lord's claim on a future occasion' as a matter of fact. Such cases must be rare, but are possible. A case of this sort, Garbett *v.* Trevor, occurred in 1864, on a question of county electoral franchise for a copyhold. The steward had in some instances admitted, not the heir-at-law or customary heir, but some other relative of deceased tenants. Still the oath of fealty was taken. The Court thought that the steward dealing with persons unable to resist accounted for the introduction of impositions, and that anomalies had grown up in consequence. The facility for committing such irregularities is increased by the abolition of the homage element in a copyhold court.

Mr. Freeland proposed that power should be given to the Copyhold Commissioners on application from a copyholder, and with an undertaking as to costs, to send an assistant commissioner

Digitized by Google

to examine the rolls of a manor, and on the discovery of fraudulent entries, to take or advise such steps as they might think desirable for procuring the punishment of the offender, with power also for the board to mulct him in the stewardship. As the steward keeps the rolls, and may throw obstacles in the way of copyholders having access to them, it may be difficult in some cases to get at facts.

The complaint of stewards charging exorbitant fees is not new. The fees are taken sometimes (perhaps generally) without the knowledge of the lord, and sometimes with his concurrence, as in the case of manors kept up for the sake of fees, and if the lord participates therein he must participate in the blame. The temptation to do this is increased, now that the steward is entitled to compensation for loss of fees on enfranchisement. There is no taxation, and no short and efficient mode of resisting unreasonable charges of stewards.

Roger North says:—'It is a miserable thing to see how Court-keepers pinch the poor copyholders in their fees. Small tenements and pieces of land which had been men's inheritances for generations, to say nothing of the fines, are devoured by fees; so that if it were only to relieve the poorest of the landowners of the nation from such extortions and oppression, without more, there is reason enough to abolish the tenure.'

Mr. Freeland thought that the Copyhold Commissioners ought to have power to inquire into abuses of this kind like as in the case of alleged irregular entries on the rolls. And as they, the Commissioners, have the advantage of long experience, they should be empowered to prepare a scale fixing the maximum of steward's costs and fees on copyhold transactions, reducible in the case of very small holdings to a scale bearing proportion to the value of the property.

The Commissioners had themselves suggested this; but it does not appear that they have applied to Parliament about it.

Mr. Freeland also thought that on grounds of public policy, and to favour enfranchisements, a further reduction of costs, fees, and compensation should take place. He thought that stewards would gain thereby in point of social position; such demands exposing them, not only to hostile feelings, but to suspicions frequently most unjust.

The above suggestions apply also, *mutatis mutandis*, to borough English, ancient demesne and customary freeholds, and the like. Also to tenures (in other districts than Kent) of the nature of gavelkind, such as in Urchenfield in Herefordshire, and other places where British gavelkind lingers. But

Digitized by Google

as to the Saxon gavelkind of Kent, it seems fitter that it should be left to be considered and dealt with in the province where it is the general law.

The length of the foregoing remarks precludes me from treating otherwise than briefly the remaining portion of our subject, the limitation of long leasehold terms of years in land. The tenancy for years is said to have been orginally a bailment or bailiff's contract for cultivating the lord's lands for his master, under which the bailiff's interest in the land would cease on his death, and his executors make up and settle accounts with the lord. But a certain term, being more convenient, was often created by contract between them, and as that might exceed the duration of the life of the bailee, it must go somewhere, and by adoption of the usage in the similar case, and regard being had to the slenderness of the interest, it, instead of going to the heir, was suffered to go to the executors of the deceased, and to be divided like other personal estate among his next of kin.

This provision as to devolution was found convenient for the purposes of securing loans of money by mortgage effected by means of creating a long lease or term of years in the land, which term would go with the right to the money to the lender's executors on his death. The practice of mortgage by demise, as this was called, is nearly obsolete; but many of the long terms of years thus created, are, through the loss of the right of redemption by the mortgaging parties, still in existence. Existing anomalies of this kind might be dealt with by a leasehold conversion measure on fair principles; and a limit set to the length of terms of years to be hereafter created. And thus in regard to this excrescence, the great object of simplification of tenure will be advanced.

Mr. James Hopgood also contributed a Paper on the question. The author referred to the fact that within the last forty years several Acts have been passed to facilitate the enfranchisement of copyholds and their conversion into freeholds, on the payment of compensation to the lord and his steward. Under these Acts much land has been enfranchised, but a vast amount, with the buildings thereon, still remains copyhold; and the question is:—Has the time arrived when these permissive Acts ought to be made compulsory? The value of uniformity of tenure and consequent uniformity of modes of conveyance is generally recognised by practical men. The mode of effecting this uniformity is easy, and has been pointed out by the Legislature. The only objection of weight is the pecuniary difficulty

Digitized by Google

which enforced enfranchisement must impose on many holders of copyhold property, especially where it is large, the customs onerous, and the fines heavy. But as the cost of enfranchisement need not necessarily be paid in money, but may be converted into a rent-charge, redeemable at convenience, the pecuniary difficulty is not of sufficient magnitude to justify further delay. In dealing with the question of property held under special customs varying in different localities not coming within the definition of copyholds, such as gavelkind, &c., the author considered that all the reasons against continuing copyholds seemed to have full application here, and to render it advisable to abrogate all special customs, and to provide that a uniform rule of descent should be applicable to all lands in the country. In discussing the question as to the expediency of limiting leasehold terms, the author avowed his ignorance of any substantial objection to leasehold terms of years, however long. Assuming the reasonableness of allowing a man to deal with his property so as to allow others to occupy it when it did not suit his convenience to occupy it himself, he could not conceive of any reasonable objection to the grant of short leases. Assuming that an owner of land unbuilt on is desirous of increasing its value, he was at a loss to see what objection there was to granting a lease for 100 years or longer. The conditions in either case were unaffected by the length of the term. But it might be said of long leases that they practically set at naught the law against perpetuities, and evaded the principle that a man should not have power to bind property irrevocably beyond a certain and very moderate limit of time, viz., twenty-one years after the death of living persons. If, therefore, a man could grant a lease of a house for 500 years, subject to certain irrevocable conditions, he was in effect imposing his will on that house for the period named. If, for the sake of example, he could stipulate that the house should not be used for the purposes of trade for that period, the author conceded that the law ought to be altered; but practically the law always recognised a present property or interest in the reversioner, and enabled him to vary the terms of the lease by arrangement with the lessee, so that, if a condition were enforced, it was only because the two owners for the time being thought that it ought so to be, or could not arrange the terms on which it should be released. He therefore saw no valid grounds for the limitation of leasehold terms, which would be an interference with the recognised rights of owners, and an objectionable interference, in the absence of special reasons to justify it.

Digitized by Google

DISCUSSION.

Mr. H. W. FREELAND (Chichester) had listened with considerable interest to the two papers just read, the first of which alluded to efforts of his own in the same direction a few years ago at Plymouth, and correctly summarised his paper and the suggestions contained in it. With reference to them he put himself in communication with the present Lord Chancellor, who consulted the Copyhold Commissioners. Mr. Freeland understood from them that a Bill embodying the clause he suggested, which was merely declaratory of the law, would be sufficient to prevent the multiplication of heriots, if Parliament would adopt it; but in the end he received a note from Lord Cairns' secretary stating in substance that the question of heriots was a matter of doubt and uncertainty, and that, under the circumstances, the Lord Chancellor did not think it expedient to introduce a declaratory Act. Of course there was an end of the matter so far as the Lord Chancellor was concerned; but the reasons the Lord Chancellor gave for not introducing a declaratory Act seemed to him to be the very reasons calling for one. He mentioned at the time the case of a steward with whom he had gone into the question. Since then the steward, while acceding to his (Mr. Freeland's) interpretation of the law in the particular case, would not accept it as a general principle. He had had a good deal to do with heriots. He had effected enfranchisements of copyholds as a trustee, and of copyholds of his own, and as the lord of a small ecclesiastical manor, in which there was now only one copyhold tenant left, he had had to deal with questions of enfranchisement. He had offered terms to the tenant in one case which the Ecclesiastical Commissioners, as the reversioners, proposed, and the tenant did not object, although he thought the terms were somewhat high. As tenant for his own life of this manor he would not force an enfranchisement, because he hated the whole system. He would not consent to the use of compulsory powers, because he thought it should rest very much at the option of a tenant to enfranchise or not, as might be convenient. As regarded heriots, he had never 'seized' one. He looked upon heriot custom as a barbarous thing. He had always arranged a moderate money payment. He did not wish to condemn those who acted on their legal rights with moderation; but what his conscience had dictated he had done, and he never would seize a heriot unless he suspected fraud. The extinction of heriots was a most desirable thing. The Real Property Commissioners, some years ago, spoke of them as a blot and a disgrace to the law of England, and a disgrace they were. No doubt there were many obstacles to copyhold enfranchisement. Unfortunately we had a large number of owners of manors in Parliament, and of course human nature and self-interest would operate powerfully in legislative assemblies. These owners of manors looked, naturally perhaps, to the prospective value which they would not be able, by present enfranchisement, to make the copyhold tenant pay for. This was a reason for stimulating the action of Parliament by the public expression of opinion, and for getting rid of this tenure at the earliest possible day.

Digitized by Google

The interest of stewards in the continuance of the system was a strong motive-power, because they had considerable influence in the election of members of Parliament; but there were members who felt strongly the odium which attached to the system, and who would assist in getting rid of it. It might be right that stewards should receive some moderate compensation, but their claims, unless very moderate, were utterly indefensible, for they assumed an absolute ownership in the steward analogous to that of the lord, for which there was no justification. As he had before suggested, the Copyhold Commissioners, with their large experience, might prepare a scale of compensation fees which would be just to the stewards, just to the lords, and acceptable to the tenants. They might also devise a plan for getting rid of heriots, or for preventing their multiplication, by money charges or payments, and that was a thing to be done without a moment's delay. They might also call for a return of the customs of manors.

The PRESIDENT: I believe the Commissioners can, on the application of tenants, require a return of the customs of a manor.

Mr. FREELAND hoped that that was so.

Mr. GAEL: They must be parties to an intended enfranchisement.

Mr. FREELAND said the Commissioners were very courteous, and always received any suggestions with the kindest attention. It was important, of course, for a tenant to know the customs under which he had to enfranchise, and how they had been built up, for in some instances they had in part been built up by stewards with a view to future enfranchisements. These matters required probing and the exercise of strong powers on the part of the Commissioners. As regarded the Paper on Leaseholds, something might be done with long leases, such as 999 years' lease, at peppercorn rents which had never been paid. He did not know why that sort of tenure should not be converted into freehold. As regarded long building leases, that was a larger question. The ground in London was in the hands of a few great proprietors; it was difficult to buy a freehold house. In some parts it could not be bought at all. The proprietors were, he thought, unwise in their generation in not dealing more largely and liberally; it would be much to the advantage of the public and of their own social position to do so. It was a delicate matter to touch the rights of property and to do anything which might appear to give a sanction to Communistic principles or to the doctrine of compulsory testamentary distribution. He would rather bring public opinion to bear gradually upon the reason, good sense, and kindly feeling of the great proprietors than resort to legislative measures which might bear the aspect of ulterior motives and of purposes to which he would not lend himself. He hoped the question raised by the Papers would continue to be ventilated and agitated until a change had been effected in these varied tenures, which he was sure would operate to the benefit of the entire community.

Mr. E. T. BRYDGES (Cheltenham) believed that one great reason why the Copyhold Enfranchisement Act was a dead letter was that the costs of inquiry into the compensation to be paid to the lord and the steward fell upon the party applying for enfranchisement, and that the lord and

Digitized by Google

the steward had it in their power to prevent the result of one inquiry being adopted as a precedent, and to insist upon a separate inquiry in each individual case, so that the costs may be made many times the amount of the compensation to be paid. Under such circumstances no tenant would voluntarily seek enfranchisement. The remedy would be an enactment based on the precedent already existing in the Lands Clauses Act, that the party seeking enfranchisement should make an offer of what he thought right and fair; and, unless an arbitrator awarded more, then each party should pay their own costs, or, what would be fairer, the lord should bear them, as the tenant would have to do if the lord obtained more. If that had been the law he ventured to say that in many manors there would now be hardly a copyhold tenement in existence. The lord was obliged to hold one or two courts each year; but the steward was not obliged to hold special courts, and therefore he had it in his power to dictate any terms he pleased. This was a very great obstacle to dealing with copyhold property.

The PRESIDENT: That does not affect the question of enfranchisement. He is bound to enfranchise at any moment.

Mr. FREELAND: Adverting to the question of leaseholds, it must be borne in mind that it was not only long leases that enabled a man to impress his own notions and will upon property in perpetuity; the freeholder could do it by covenants running with the land, and that was not put an end to by the law of perpetuity—a life or lives in being and twenty-one years after.

The PRESIDENT: On that point Mr. Hopgood answered his own argument.

Mr. FREELAND: A great number of enfranchisements have been effected annually.

Mr. BRYDGES: On what terms? Were they equitable, or were they terms obliged to be agreed to because enfranchisement could not be got on fair terms?

Mr. H. N. MOZLEY (London) would have been interested to hear from Mr. Freeland how he would have proposed to limit a 999 years' lease at a peppercorn rent, and how the Statute of Limitations would apply. Assuming the rent were not demanded, would the Statute of Limitations run from the time at which it might have been demanded?

The PRESIDENT: Vice-Chancellor Wickens has decided that the Statute of Limitations does not begin to run until the end of the lease.

Mr. MOZLEY: If an owner were to be an absentee, or were to lie by for 1,000 years, there would not be much risk of possession being disturbed; but if an owner might keep back for 50, 60, or 100 years, or as long as evidence could be kept alive of the original title to the freehold, and then the persons who had been so long in possession could be disturbed, there would be no security whatever for title.

Mr. EDGAR, LL.D. (London), moved—'That the Council be requested to appoint a committee to consider the question of the extinction of customary and other special tenures, and the conversion of leaseholds, with special reference to Mr. Gael's paper.' As to leasehold terms, he did not see the necessity for their limitation; but it might be a

Digitized by Google

question whether the principle of enfranchisement in copyholds, with compensation to the reversioner, should not be extended to the conversion of leaseholds.

Mr. Brydges: If an attempt be made to limit leaseholds to short terms it may produce a low and debased style of architecture and flimsy style of building in our towns, for men hardly like to lay out much money on short leasehold terms.

Mr. Freeland: It may be a question whether an enfranchisement clause may not be inserted in leases.

Mr. S. H. Gael (Cheltenham) said that a speculative builder would build almost anything that was required upon a lease of a certain duration—say sixty years or somewhat more—and that sort of lease he should in nowise propose to alter, because it contained relations calculated to exist all the term, and to eventuate on its expiration in new arrangements. But the question raised had reference to cases of long terms, that might be and were often dealt with as freeholds, and yet were ascertained at awkward times not to be freeholds at all. Arrangements for sale, &c. were made which could not be carried out, for it was found that there were debts due to the Crown, legacies and duties affecting personal estate, which the parties had not the least idea of. Difficulty and expense were occasioned when such leaseholds came to be intermixed with other land. Also as where there was no distinction at all between the freehold and the other land, and no one knew where the dividing line was. Who the owners of the fee simple or reversion were the occupiers did not know, and there was no probability that they would come forward at all. The only reason to be given for the non-extinction of such a tenure on the principle of the Leasehold Conversions Act, which had worked well in Ireland, was that it would interfere with the distribution of property among children, &c. on intestacy. But the question is one of the simplification of tenure; and all other questions, such as primogeniture and equal partibility, ought to be dealt with on their merits. A long lease was to all intents as good as freehold and fee simple, and the effective ownership in one case was tantamount to what it was in the other. As to copyholds, it was impossible for the Copyhold Commissioners to deal with the customs of a manor until their attention was specially called to it. If they were dealing with a manor as a whole there would be a body of tenants concerned, and there would be some examination into customs; but for anything else the tenants were a mere rope of sand. You could not deal in a corporate way with copyholders. At the Steward's Court individual copyholders only cared to get their business despatched, and have been willing to submit to almost any extortion for that end. It was by taking them singly that irregularities and anomalies came in, and such evils could not be prevented unless a whole manor was brought into representation. Then, as in old times, the body of copyholders would have existence and force.

A Member: In some manors they have little volumes entitled 'Customs of the Manor.'

Mr. Gael said so they had in that and in many others; and in some

Digitized by Google

cases there were documents in the hands of the steward showing the present usages. But there were none of the old paraphernalia of a court. In some instances there used to be a jury sworn, and they, to some extent, watched over the progress of matters; but now there was nothing of the sort. The only righteous and proper way of dealing with the subject seemed to be to take a whole manor, to ascertain what the customs were, to estimate the nature and value of the property, and then assess the value of the lord's interest in the land. The steward's interest was in his stewardship and office, instead of doing the thing piecemeal, as it was now done. It was true enough, there was very little done under the present Acts; and if, as was stated by a large dealer in this kind of property, nine-tenths of the enfranchisements took place at the instance of the lords, it was pretty clear it was a process convenient for them, and not a process eligible for the copyholder; it was quite clear the law must involve some hardship and injustice for the copyholders. Of course, there were many cases in which there were special reasons for enfranchising; but, as a general means of getting rid of anomalous tenures that were a public detriment and scandal, the present system was too unfair to be generally resorted to. A short Act such as had been suggested would be a very good thing; but still we should want representation of the copyholders collectively, and some machinery for assessing all interests and doing equal justice to lord, tenants, and steward.

The President (Mr. Commissioner Miller) said it was a question he had had a good deal to do with in one way or another; and he must begin by confessing that he was in a minority, for he could not see any public interest involved in making compulsory a change of tenure where neither party wished it. No doubt copyhold tenure was so inconvenient that it was desirable that either party who wished should be able to compel the other to change on reasonable terms; but, if both lord and tenant agreed to keep to copyhold, there was no public interest entitling us to say, 'You shall consent, whether you like it or not.' He should offer strenuous opposition to any attempt to pass a general compulsory law. This being said, he was as desirous as anyone could be to give every facility for enfranchising at the option of either. It was with that view an Act was passed to enable either to enfranchise, throwing the onus on the party moving, and compelling the lord, if he moved, to take worse terms than the tenant would have to give if he moved, at the same time aiming to secure that the terms should be as nearly as possible equitable. He had heard two reasons given why enfranchisement had not gone on as extensively as might have been expected, and they seemed to him to be mutually destructive. On the one hand it was said that the terms were too favourable to the lords, and on the other that the lords resisted and prevented enfranchisement. He had confidence enough in the Copyhold Commissioners to feel certain that, whether the motion came from the lords or the tenants, the Commissioners would take good care that the terms were not unjust. If a matter did not come before them then it was one of private arrangement. He knew enough of the working of the Act Mr. Gael referred to (the Compulsory Leasehold Conversion Act) to know that that measure also, to a great extent, had not been acted

Digitized by Google

upon, and for the reason which mainly prevented the operation of the Copyhold Act—in both cases the immediate expenses fell upon the man who did not gain the ultimate benefit, or any benefit at all. He was the holder of a small property which was under a leasehold tenure, perpetually renewable. His father declined to convert, saying that he should derive no benefit; but, on coming into the lease, he found that ere this he should have had to pay as much as conversion cost; and he calculated that it would be better to do it at once and lose interest on the money during the time the life was running out. But there were numbers who waited, on the principle that when the time for renewal came it would be time enough to prevent the lease from falling in; and hundreds of men said, 'When I die the man going to be admitted may, if he choose, have the property enfranchised; why should I spend money for the purpose? It is nothing to me.' In Ireland there was a custom of perpetual renewal, subject to the payment of renewable fines as lives dropped; and this tenure was practically as long as it would be if the tenant had the fee simple. An attempt to carry out the propositions of Mr. Hopgood would involve the risk of serious opposition in Kent, where men would rather lose their lands than the custom of gavelkind. Omit the compulsion, and he was favourable to most of the suggestions he had heard for facilitating conversion. The interest of the steward ought not to be allowed to be an obstacle. The duty of the steward was to do what he was told; and for what he did he ought to be paid; but he had no control, and he was liable to be discharged by the lord. If he was fairly paid for discharging the duties of stewardship he was not entitled to compensation because at some time it came to an end. Nor had he ever heard any steward make a claim to anything more than to be well paid for every enfranchisement as though it were an admittance.

Mr. Freeland: They are entitled to compensation under the Act.

The President was able to express his fullest concurrence in what had been said as to the necessity of something being done in the matter of heriots. It was ridiculous that the lord's interest on a death should be a matter of accident—a well-fed bullock at one time, a racehorse at another. It ought to be in the power of every tenant, whether he enfranchised his copyhold or not, to have his heriots for the future commuted into money; that would get rid of the greatest hardship Mr. Gael mentioned, the multiplication of heriots on the subdivision of a copyhold. As to the case in which the copyhold had been subdivided and partially reunited, and still multiplied heriots were demanded, if the tenants had not been satisfied with the decision of the steward, but had gone to the Court of Queen's Bench, they would have found that only one heriot need be paid. The suggestion of Mr. Brydges was a valuable one, and it was the law with regard to the conversion of leaseholds in Ireland. It was in the power of the tenant to demand conversion, and to tender a sum as compensation for the value of the renewal fines; it was possible to estimate the amount easily, because the renewal fines always bore some relation to the rent reserved, and were, therefore, easily calculated. If the lord refused the tender the costs were thrown on the party that proved to be in the wrong. It

Digitized by Google

was absurd to allow a man to make any demand in security that, whatever the result was, he would, at any rate, have his costs.

Mr. Brydges: In one case three years were occupied and the costs were 1,000*l.* in respect of a property worth two or three hundred.

The President: The Copyhold Commissioners ought to have power to require from a steward a disclosure of the customs of a manor, on the application of any copyhold tenant, whether he was about to enfranchise or not. The costs would be small, and the man who applied would have to pay. In many manors the customs were to be found in a very short compendium at the commencement of the court-roll. He agreed with Mr. Gael as to long leaseholds and the absurdities resulting from them. When the building of the new Law Courts had commenced it was discovered that a large portion of the land was let upon leases for 300 years, granted in the time of Queen Elizabeth, at peppercorn rents. Most of the leases were within a few years of running out, but nobody could ascertain who the reversioners were. In some cases it was not known who they had been. There was a sum of something like 100,000*l.* lying in the Court of Chancery, and nobody could make out a shadow of a title to it; and it must lie there until twenty years after the expiration of the leases. Sometimes these long leaseholds became valuable property in the hands of a man who was lucky enough to prove his title. In *Brown* v. *Wales* a considerable tract of land, at Wandsworth, had been granted on lease for 150 years, at a rental of 15*l.* a year. It had been divided and built over until it was worth thousands a year, the portions from time to time let off for building being released from the reserved rent, which, although legally payable by the whole plot, was charged only on a small part of it, which was eventually purchased by the reversioner. In the meantime the other property changed hands over and over again, being sold as fee simple. On the expiration of the lease Mr. Brown, who was heir of the original lessor, filed a bill for discovery, and established his title; and Vice-Chancellor Wickens, by no means inclined to favour stale claims, decided that the Statute of Limitations did not begin to run until the expiration of the lease. Although there ought to be some means of converting long leaseholds into freeholds, it would not be reasonable to draw an arbitrary line as to what the length of a leasehold term should originally be. As to building leases being too short, that would be got over by inserting a covenant to renew if required by the lessee. The period which was required to induce men to improve land or build upon it varied in different parts of the country. Sixty years would suffice in London; in some places no one would build on a shorter lease than 99 years; in others it was not thought right to build a house fit for habitation on a shorter lease than 999 years; while in some parts no man would put one stone on another except on a perpetuity. Wherever there was more than 100 years of a lease to run the tenant in possession ought to be entitled to redeem the reversion on equitable terms, to be determined by Commission or otherwise. That would have met Mr. Gael's case.

The motion referring the subject to the Council was put and agreed to.

Digitized by Google

SUMMARY JURISDICTION OF MAGISTRATES.[1]

Should the Summary Jurisdiction of Magistrates be further Extended? By ALEXANDER PULLING, Serjeant-at-Law.

THE subject of the summary jurisdiction of magistrates is one which affects every class, and almost every person in the Kingdom, altogether differing in this respect from the question of amendment of laws, chiefly interesting to litigants having large or special interests at stake.

It is to the *million* who, as accusers or accused, have to consider the course of justice in our Magistrates' Courts, that the extent of their jurisdiction, and the question of purity and regularity, and reliability of their proceedings, is of real, practical importance. All that contributes to make these tribunals efficient, and to ensure general confidence in them, conduces to the general welfare; and whilst respect for, and obedience to, the law is generally encouraged, the evil-minded may be, and often are, driven to or deterred from a criminal career, by the effect of their first experience of the administration of justice by the magistrates. It is when an offender *comes for the first time* before the magistrate that, in nine cases out of ten, his future career is decided on. Let him be unjustly dealt with, or harshly treated, he will probably in due time swell the horrible list of *habitual criminals*. Let him see even-handed justice according to law, dealt out to himself and his accuser, without favour, prejudice, bias, harshness, or indiscretion, and let him learn that he can rely on being always so treated hereafter, whether as accused or accuser; and the chances are strong in favour of the first charge against him being the last. There are, doubtless, instances of criminals whose vicious tendencies, like those of mere brute beasts, are insuperable; but if truth were told, we should now find, among our habitual criminals, many whose sad story is, that, when first charged with crime, they believed they met but scant justice or consideration; and, believing the law so loosely or harshly administered, they gradually came to set it at defiance. If truth were told, too, we could find many now living in prosperity, who, having been once charged with a criminal offence and *been discreetly dealt with*, have ever since rigidly abstained from criminal offences.

[1] See *Transactions* 1874, p. 230; 1875, p. 19.

Digitized by Google

The *judicial statistics* disclose what a very formidable amount of discretionary power in criminal cases ordinary magistrates exercise at this day. In the compilations for 1876, I find there were no less than 152,630 cases where the accused were either committed for trial or summarily convicted; and taking into consideration the cases where the accused is, at the discretion of the magistrates, discharged for want of evidence, or otherwise, it can hardly be assumed that less than 200,000 cases annually occur where the fate of the accused depends on the judgment, right or wrong, of the magistrates.

This is in every way, a matter of very serious contemplation. If we take into consideration, that in all cases *the discretion in the first instance is really with the magistrates*, it is hardly possible to exaggerate the magnitude of the discretion at present entrusted to them, the amount of the duties which are cast upon them, and of the evils which may arise from a miscarriage of the justice entrusted to their administration; awarding to them all, and especially to the 'great unpaid,' the due meed of praise for their services in the ordinary administration of justice.

In considering the very momentous question, whether the summary jurisdiction of magistrates should be extended, we have very grave matters to consider. The judicial statistics referred to, show that in nearly $\frac{9}{10}$ths of the cases at the present time entrusted to the jurisdiction of magistrates, they exercise the general power now entrusted to them by law, by *summary convictions* about $\frac{1}{10}$th of the cases only being sent for trial at the Assizes or Quarter Sessions. These facts are sufficiently startling, and require grave consideration, before further changes are made in what our forefathers regarded as fundamental principles.

The jurisdiction of Justices of the Peace has grown up in a somewhat peculiar way. In old times no such office was really known. There were *Conservators of the Peace* without any really judicial powers, and *Lambard*, the earliest of our writers on Magistrates' Law, gives a very scant summary of what the old functionaries under the new name of *Justices of the Peace* could legally do. Blackstone, whose commentaries on the laws of England originally appeared a century ago, and are full of praises of the laws and Constitution of England, speaks with anxiety about the effect on the administration of justice, of the new duties thrust from time to time by the Legislature on the Justices of the Peace, alike (as he viewed it) prejudicial to those who had to administer justice and those to whom it was administered.

Digitized by Google

At this day, if the statistics to which I have referred do not suffice, the voluminous compilations of the law relating to Magistrates' duties from Burns's bulky eight volumes to Mr. Oke's synopsis in one very stout one, will suffice to show that in the ordinary administration of the law of England, certainly the magistrates have their abundant share; and a strong case must be made out to show that the jurisdiction should be increased rather than diminished. The institution of the office of *Conservators of the Peace*, or as they are now called, *Justices of the Peace*, was certainly never designed to supersede the ordinary course of justice. County and borough magistrates have sufficient work on their hands without having added to their duties, the responsibility of further summary jurisdiction. They already possess at petty sessions power over accused persons which really the Judges of Her Majesty's High Court of Judicature do not possess, and I think the Legislature would be slow to consent to the extension of their powers.

The best remedy for the defects in the due administration of the Criminal Law would be the appointment of public prosecutors, whose duty it would be to see to the Law being put in force in the first instance, and watch the proceedings to their termination.

Having already taken my part in the advocacy of this most desirable reform on the existing abuses, I do not now propose to say more on this subject. I believe that no scheme for increasing the summary jurisdiction of magistrates would be tolerated, unless the presiding magistrate were duly and legally qualified like the judges in Her Majesty's ordinary Courts.

I forbear discussing the question whether, if it were determined to establish a general system of stipendiary magistrates, it would be practicable, in the introduction of the change any more than that of the introduction of public prosecutors, to ensure proper appointments without gross abuse of the sacred trust of government patronage in the selection of really fit men to discharge the serious duties to be entrusted to them.

On the Same. By H. J. Bushby, Metropolitan Police Magistrate; late Recorder of Colchester.

THIS question, you are aware, has already been affirmed in many important particulars by the 'Summary Jurisdiction Bill.' So far the matter has got out of the speculative stage; and, unless we are prepared to deny any need for the Govern-

Digitized by Google

ment proposals, we are met to-day to discuss the form of what is likely to be law next year.

To begin with the commonest kinds of theft. One man steals from a stall; another picks a pocket; a third purloins money paid him for his master; the fourth robs his master's till. Suppose that the value taken in each case does not exceed five shillings, and that, put on their trial, the men severally plead Not Guilty. A non-legal person would probably think that there was little to choose between these worthies; that, like King Arthur's serving-men, all of them were thieves; and that any magistrates fit to try either might safely deal with the whole batch. A lawyer, however, would inform him that the four cases represent as many distinct classes of crime; that the first and third only (simple larceny and embezzlement) are triable at Petty Sessions; and that the others (larceny from the person, and larceny as a clerk or servant) must be sent, at whatever cost of time and money, to a higher tribunal.

Are these two offences, then, more difficult to try? Not in the least. Larceny as a clerk or servant involves no legal puzzle absent from embezzlement, and larceny from the person is quite as simple as simple larceny. Indeed, attempts at larceny from the person, which of course involve the same law as the successful offence, are already triable like simple larceny. The true account of the matter seems to be this. In 1855, when magistrates in Petty Sessions were empowered by the first 'Criminal Justice Act' (18 and 19 Vict. c. 126) to try larceny, with consent of the accused, three months' imprisonment was fixed upon as the maximum penalty with which the Bench could be safely entrusted. This was ample for simple larceny up to five shillings, and for attempts to steal from the person; but it was not deemed sufficient for actual stealing from the person, or for larceny as a clerk or servant, or for embezzlement; and the three last offences were accordingly excluded from summary trial. Not, of course, that many of such cases could not be adequately punished by three months' imprisonment, but that the bulk of them could not. The penal distinction was further illustrated by the clause in the Act which gives the power of sentencing on a plea of Guilty. Here six months' imprisonment may be imposed for simple larceny, only when the value exceeds five shillings; but it may be imposed for larceny from the person, or larceny as a clerk or servant, however small the value. An analogous distinction is drawn in proceedings on indictments, where only five years' penal servitude may be inflicted on a first conviction for simple

Digitized by Google

larceny, though fourteen may be inflicted for the other offences, or for embezzlement. Thus two causes seem to have contributed to the exclusion in question: first, the inadequacy of three months' imprisonment for the bulk of the excluded offences; secondly, a natural reluctance to arm the new jurisdiction with a more serious penalty, except where error in convicting was precluded by a plea of Guilty. In short, it was not because the chances of error were greater in the excluded offences, but because the consequences of error would be greater if trial were allowed with adequate penalties.

The experiment, thus guarded, answered so well that in 1868 it was extended to embezzlement, which was placed, for summary purposes, upon the same footing as simple larceny (31 and 32 Vict. c. 116, s. 2). The legislature seems, in the interval, to have come to the conclusion that the penal distinction in proceedings on indictments between these two offences was unwise; for, in moving the second reading of the measure, Lord Chelmsford is reported to have said:—'A groundless distinction was made by the present law between the penal character of larceny and of embezzlement by clerks or servants, and that distinction also he proposed to do away with.' But pray remark that the opportunity was foregone of including larceny from the person, and larceny as a clerk or servant; presumably, because the penal distinction as to these offences was held not to be 'groundless.'

The point is worth your notice; for the Government Bill, in making them summarily triable—a most desirable object in itself—provides no higher penalty than for simple larceny and embezzlement. Yet it is as true now as in 1855 and 1868 that larceny from the person almost always indicates an advanced thief. You might, indeed, draw the monetary limit so low as to shut out such rough specimens of the craft as watch-snatchers, who may be regarded as on the border-land of robbery with violence. But wherever the limit is drawn, you will have to deal with the common pickpocket, and he is pretty sure to have previously graduated in simple larceny. Autolycus in the dock often surprises casual visitors to our police-courts by the candour with which he owns his guilt, and the zeal with which he prays for instant punishment. In most cases, unless a hint be given that the prisoner is 'known,' sentence does in fact follow swift on such a plea. But the pickpocket, whether recognised or not, is, or ought to be, invariably remanded; and, in nineteen cases out of twenty, the interval will show that he is already on the felons' list, and must therefore be sent to Quarter Sessions; the probable

Digitized by Google

difference to himself being that he will get seven years' penal servitude, instead of six months' hard labour. Even in the twentieth case it would be rash to consider him a commonplace pilferer. Rare exceptions apart, one of two things may be inferred: either he is an old thief who has contrived hitherto to elude the meshes of the law, or else his first venture reveals a precocity in theft which makes him almost equally formidable. In larceny as a clerk or servant the characteristics are different, but the practical conclusion is the same. Here there is perhaps not much more likelihood of previous guilt than in simple larceny; and though the servant's criminality is heightened by breach of trust, that, of course, may be said of embezzlement. Why, then, is a heavier penalty needed? Because, in comparison with simple larceny, the opportunities are large, and in comparison with embezzlement, the risk of detection is small. One factor, indeed, in embezzlement, where credit transactions are concerned, can hardly fail to bring home guilt to the servant, be the master ever so careless. The very first renewal of a demand on the customer shows that his debt has been paid, and to whom it was paid. Even in ready-money trading the shopman who embezzles money on its way to the till is in danger of being observed. But thieving by a servant may be absolutely secret. Time, place, plunder—the choice is his. A hundred petty pilferings, with prudent intervals, may pass unnoticed; and when at last some loss is discovered, it may tax the detective's machinery of marked coins, and prepared pitfalls, to expose the thief.

But now comes a natural question. Assuming it to be true that larceny from the person and larceny as a clerk or servant both demand double the imprisonment allowed for simple theft—is not that a reason for keeping them excluded from summary trial? For if the penalty demanded by these crimes remains what it was, so too does the fallibility of magistrates. By doubling the term you would double the mischief of a wrong conviction. A grave objection, certainly, were convictions to remain on their present footing. But add, as the Bill proposes to do, a right of appeal, and the objection vanishes. Six months' imprisonment, with an appeal to Quarter Sessions, would involve not more, but less, mischief on a wrong conviction than the present maximum of three months for theft, exempt as it is from any such revision.

On the whole, therefore, it is submitted that the Bill might well, and consistently, provide a higher penal maximum in trials for larceny from the person, or as a clerk or servant. Great are the merits of simplicity, and uniform penalties afford the par-

Digitized by Google

liamentary draughtsman undoubted facilities for long schedules and short enactments; but mechanical advantages may be bought too dear.

The next extension of the summary jurisdiction proposed by the Bill is that the monetary limit of five shillings should be enlarged to forty shillings—a bold, but wise, change which would increase the number of trials, and proportionably lessen the expenditure of public time and money arising from committals. Of course every enlargement of the monetary limit without a corresponding enlargement of the penal limit reduces the scale of punishment. Thus, it would no longer be possible, in cases of simple larceny, or embezzlement, to inflict more than three months' imprisonment, on a plea of Guilty, where the value was between five shillings and forty. But so much the better. Of previously unconvicted prisoners who plead Not Guilty to those offences within the two values mentioned, and are now sent to Middlesex Quarter Sessions, it is believed that about two-thirds are sentenced to no more than three months' imprisonment—a punishment which under the Bill they would receive summarily. Of the remaining third it is enough to say that the Petty Sessions would retain the power they already have of committing for trial all cases which, though within the monetary limit, appear to demand exceptional severity. Nor would the forty shillings limit be too wide for larceny from the person, or larceny as a clerk or servant, provided that the penal maximum for these offences were raised to six months. The criminality of a pickpocket has little to do with the value taken. Whether the prize he draws from the lottery of his neighbour's pouch be small or large, he is ready for either fate. Three months' imprisonment may, as a rule, be too light when he filches an empty purse, and six months may be enough when he filches a full one. The conditions vary, no doubt, in larceny as a clerk or servant; but the difference only comes to this, that relatively more cases would have to be sent to Quarter Sessions, though the bulk would still be suitable for trial.

The last extension of the summary jurisdiction proposed by the Bill as regards larceny by adults does not relate to trials, but to sentences on a plea of Guilty. As the law now stands, six months' imprisonment, without appeal, may be imposed, on such a plea, for simple larceny, or embezzlement, if the value taken exceeds the monetary limit for summary trials; and the same penalty is allowed for larceny from the person, or larceny as a clerk or servant, however small the value may be. The risk of wrong convictions being absent, there seems to be no

Digitized by Google

reason against extending this useful power to offences involving more legal difficulty, provided that they can be adequately met by the penalty. Of such a kind, it is submitted, are receiving stolen property, obtaining goods or money by false pretences, larceny by bailees, or by partners, and larceny from a dwelling. Were the Criminal Code already passed, the offence described by Sir James Stephen, in the 190th section, as 'Criminal Breach of Trust' might well be added to the list. But for the present, when any rascal (not in service) who has been entrusted with a sovereign to get changed pleads guilty to appropriating the proceeds, the scandal must be tolerated of discharging him on the ground that he has not transgressed the criminal law. This, however, by the way. The Bill proposes to extend the power in question to cases of receiving stolen property, and obtaining goods or money by false pretences; but, probably from inadvertence, it omits to except sentences on a plea of Guilty from the 14th section which gives a right of appeal whenever imprisonment is imposed.

Before leaving this part of the subject, a possible criticism ought perhaps to be anticipated. 'If,' it may be said, 'six months' imprisonment is to be allowed, as above suggested, on trials for larceny from the person, and larceny as a clerk or servant, where the value cannot exceed forty shillings, will there not be some lack of proportion in adopting on a plea of Guilty no higher maximum, although the value may exceed forty shillings indefinitely?' The answer is—not only that cases beyond the monetary limit often demand no higher penalty—but that even when they do, the best course would still be to send them to Quarter Sessions. And why? Because, though the plea of Guilty removes the risk of wrong convictions, that is not the only risk to be guarded against. Meting out punishment is also a function admitting of mistakes. Now, experience can tell us here no more than this, that the function may, with sufficient safety, be entrusted to Courts of Petty Session so long as they are kept within the six months' limit. Retain the limit, then; for prudence may fairly object to any extension of their jurisdiction which would demand more capacity than is needed for the duties they already discharge. That, at any rate, is an objection presumed to be valid throughout this paper.

Enough, perhaps, has been said about the extensions of the summary jurisdiction which seem to be urgent as regards larceny by adults. The necessity of extending it as regards larceny by culprits under sixteen is yet more imperative.

Digitized by Google

Here we have to remedy, not merely a waste of public time and money, but the crying evil of corrupting the young by useless imprisonment. The most cursory view of the rules relating to the mode of punishment, and the limits of jurisdiction, will show this.

And, first, as to the mode of punishment. A culprit under sixteen who commits simple larceny to any amount may, under the Juvenile Offenders' Acts (10 and 11 Vict. c. 82; 13 and 14 Vict. c. 37), be punished with a fine of three pounds, or, if a boy under fourteen, with twelve strokes from a birch-rod, and so, very properly, may escape imprisonment altogether. But if he appropriates the smallest value under circumstances which make the offence embezzlement, larceny from the person, or larceny as a clerk or servant, he is treated like an adult, and, unless let off scot-free, must be sent to prison. Now, why should the alternative penalties allowed for simple larceny be disallowed in the other three cases? Fines, capable of being paid, with some inconvenience, by the parents, afford a valuable resource in dealing with girls, who, though promptly released, do not therefore of necessity escape domestic punishment. And whatever technical form a little boy's dishonesty may take on a first appearance in the dock, his guilt is seldom too heinous to be purged by a whipping, without recourse to a gaol.

Next, as to the limits of jurisdiction. The great object of the Juvenile Offenders' Acts was to diminish commitments for trial, together with the resulting intermediate detention, which, in some parts of the country, may be considerable. This object, recited in the first Act, is attained, as regards simple larceny, by allowing the culprits to be tried summarily in every case unless they object. But if a boy embezzles above five shillings, and pleads Not Guilty, to Quarter Sessions he must go, however hard he may beg to have the matter settled at once. Still more mischievous is the absence of any power to try young thieves for larceny from the person, or larceny as a clerk or servant. The reasons, such as they are, for this defect in the jurisdiction as regards adults have been already considered; but none of them can, with common gravity, be applied to children. A girl snatches her playmate's doll from her hands, intending to keep it—it is larceny from the person. A confectioner's lad eats without leave one of his master's tarts—it is larceny as a servant. For crimes like these witnesses may be bound over, indictments drawn, and grand and petty jurors summoned.

Now, from such results there is literally no escape, unless the case happens to be one for a reformatory or industrial school.

Digitized by Google

And that is not so frequent an occurrence as is sometimes supposed. Assuming that the culprit is not disqualified by ill-health, it is clearly wrong to himself, to his parents, and to the persons who, helped by the Treasury, find the money, to send him when charged for the first time with theft to an industrial school, if his own natural guardians are willing and able to keep him from bad company, and to treat him properly. Of course, unless previously convicted, he cannot be sent to a reformatory at all. Moreover, for any industrial school out of Middlesex, he must be under twelve (in Middlesex under fourteen[1]); and though reformatories are empowered by statute to receive children up to sixteen, they are seldom admitted there above fifteen.

The origin of these anomalies is not far to seek. Young thieves were in truth brought within the summary jurisdiction by two incongruous processes; the first in time dealing with the young only; the second, with the young and adults indiscriminately. The first process—that of the Juvenile Offenders' Acts—is limited to simple larceny and offences punishable as such,[2] and provides penalties fit for culprits under sixteen. The second process—that of the Criminal Justice Acts—deals with all four offences, and provides penalties fit for adults only. All that was done, with a view to consistency, was to except culprits under sixteen from the Criminal Justice Acts as regards offences already within the Juvenile Offenders' Acts. It does not seem to have struck the legislature that, to make the exception adequate, the Juvenile Offenders' Acts ought to have been simultaneously extended to the other offences reached by the Criminal Justice Acts. That so discordant a plan should not long ago have provoked a burst of public disapproval may, perhaps, be accounted for by the surmise that a good many magistrates—some with their eyes open, and some with their eyes shut—cut the knot by treating all the offences covered by the Criminal Justice Acts as equally covered by the Juvenile Offenders' Acts; and thus the young escape needless imprisonment by help of illegal sentences.

The Bill makes short work of these absurdities. Not only does it repeal, with exceptions that need not here be noticed, the Criminal Justice and Juvenile Offenders' Acts, in order to place adult thieves on a distinct footing; but a new and natural classification is introduced of those who now are grouped together as 'juvenile offenders.' Under the

[1] By a Local Act (17 & 18 Vict., c. lxix., sec. 1, 3).
[2] For a list of these see Stone's *Justices' Manual*, 18th ed., p. 306, n. *b*.

Digitized by Google

age of twelve, they are to be designated as 'children,' and, from twelve to sixteen, as 'young persons.' Children are to be summarily triable for all indictable offences except homicide. Young persons are to be summarily triable for the same offences as adults, but without the monetary limit applicable to adults. The punishments for young persons are those sanctioned by the Juvenile Offenders' Acts; but it is provided that the Court may, if no punishment is expedient, dismiss the charge, either unconditionally, or conditionally on a surety, or sureties, for good behaviour being found. For children, the maximum of imprisonment is reduced to one month, the number of strokes with a birch-rod for boys is reduced to six, fines are reduced to forty shillings, and the same proviso is made for dismissal as in the case of young persons. Were it only for the reforms enumerated in this paragraph, you will probably agree that the Bill is well worthy of public support.

Your attention has now been drawn to all the extensions of the summary jurisdiction which appear to be at once urgent and practicable. They are confined, it will be seen, so far as adults and young persons are concerned, to offences against property. Nor, except in the case of children, does the Bill propose any extension with regard to offences against the person. Indeed, the clause, already noticed, giving a right of appeal from sentences of imprisonment, points in an opposite direction. But where guilt is unconfessed, the clause is needed. To none will it be more grateful than to those who, sitting alone, without a jury, have the critical task of dealing out pains and penalties; and who, unaided probably by advocates on either side, are left to examine and cross-examine, both for the prosecution and the defence, and to solve, as best they may, the too frequent problem of finding the truth from conflicting perjury.

Mr. James Solly also read a short paper referring to the punishment which justices have power to impose in cases of larceny, which at present is only imprisonment for terms up to three months, or in cases where the subject-matter exceeds five shillings in value, and the prisoner pleads guilty, to six months —with or without hard labour. Whereas it appears to be highly desirable that, in minor thefts of the character of those usually coming under their summary jurisdiction, they should have similar powers to impose fines (with the alternative of imprisonment) that they now have in cases of assault-larceny, under the Juvenile Offenders' Act, and for thefts of, and injury to, growing crops of fruit, &c. Power should be given

Digitized by Google

to justices to impose fines (of course with alternative of imprisonment) in cases of 'breach of the peace.' At present they can only bind the offenders over and cause them to find sureties to keep the peace for a certain period. In order to impose penalties such cases are now sometimes dealt with (perhaps somewhat irregularly) under the Highway Act, as obstructions to the highway.

DISCUSSION.

Mr. JAMES MARSHALL (Hampstead) thought it a pity that a more precise title had not been given to this subject, inasmuch as the bill related to summary jurisdiction in offences against property only. The argument of Mr. Serjeant Pulling's Paper would lead to retracing the steps that had been already taken in conferring summary jurisdiction on magistrates in indictable offences against property. The present question was whether the summary jurisdiction might not be extended to cases cognate with those where it had been already resorted to. The steps taken hitherto had been cautious and tentative. The first Act applied only to cases of simple larceny, and gave the magistrates power to *try* such cases, with the consent of the accused, where the value did not exceed 5*s.*; and above that value when the accused pleaded guilty they might convict. The new jurisdiction having worked well, was extended to cases of embezzlement, with the same restrictions. Mr. Serjeant Pulling had forgotten that in both instances the summary jurisdiction was based on the consent of the accused, so that there was no violation of the sacred right of being tried by a jury, the prisoner choosing to waive that right. In many cases, however, the magistrates, though empowered by the accused to exercise their summary jurisdiction, refuse, and send the cases for trial at Quarter Sessions, where it appears either from grave criminality or a former conviction that their powers of punishment were inadequate. It was extremely desirable that Mr. Solly's suggestion, that power should be given to magistrates not to fine in cases of imprisonment, should be adopted. Trifling cases of larceny would often be adequately punished by fine, instead of imprisonment or committal for trial. Sometimes justices in Petty Sessions treated cases of this description as cases of unlawful possession, in order to give the prisoner the option of a fine. The extension of summary jurisdiction proposed by the bill embraced the offences of stealing from the person and theft by a servant, and raised the value triable by consent from 5*s.* to 40*s.*, and extended the power of imprisonment on plea of guilty. The bill also contains provisions relating to the trial and conviction of juvenile offenders. Mr. Bushby further proposed that the jurisdiction should be further extended to include theft by a bailee. All these charges are fully discussed in Mr. Bushby's able and exhaustive Paper. The subjects were herein so multifarious, and included so many important provisions, both of principle and detail, that the most

Digitized by Google

satisfactory way to deal with them would be to submit the subject to the Council, with a recommendation that the bill and the Papers of Mr. Bushby, Mr. Serjeant Pulling, and Mr. Solly should be referred to the Jurisprudence Committee for consideration and report.

Mr. Barwick Baker (Gloucester) had taken great interest in the bill, and thought that much of it was very desirable; but there was one point which he hoped the Commissioner would carefully consider. By the Criminal Justice Act, justices in Petty Sessions were allowed to deal with various small larcenies, but from this power all offences punishable by penal servitude were carefully excluded. But before this an Act had been passed rendering any second conviction for larceny punishable by penal servitude, so that the power was limited to first convictions. The Home Office has once or twice issued circulars to magistrates and justices, calling their attention to the evil of allowing repeated re-convictions to escape with short sentences under the Criminal Justice Act, and advising remands where there is a doubt whether the prisoner is an habitual criminal (Home Office Circular, June 3, 1870). If the limitation of the Criminal Justice Act to first convictions be continued, the summary jurisdiction of justices might be safely extended to theft of 40*s*., or even a higher sum, but a repeated offence requires a much more severe treatment, as all foreign nations are now feeling, as shown in the question debated at Stockholm, 'Quelle serait le meilleur moyen de combattre la récidive?' In the County of Gloucester it was the custom if a prisoner could show his antecedents for four or five years, or if he could make a statement of them which could be verified by the police during the remand recommended by the Home Office, to let him go with a short sentence; but if he could, or would, show nothing of his previous life, to commit him for trial, and by inquiries before Quarter Sessions his previous history was generally discovered, and if necessary a long imprisonment checked his course of habitual crime. Mr. Baker, in conclusion, seconded the reference to the Council.

Dr. A. Waddilove (London) suggested that obtaining money by false pretences should be included among the offences over which magistrates should have summary jurisdiction. Such cases, for instance, as that of a servant obtaining goods from one of his master's tradesmen, and then selling them and applying the money to his own use. In that case the magistrate must commit the offender for trial if the case is sufficiently strong against him; he cannot deal with it summarily; whereas in cases of embezzlement, a much more serious offence, the magistrate can summarily punish the offender.

The Rev. William Vincent (Postwick, Norfolk) said these were cases in which the want of a power of summary jurisdiction had a bad effect upon the criminal, besides causing a failure of justice and a heavy additional expense. The reform of the criminal and the prevention of crime were as important as the punishment of the guilty. In some cases where the prisoner was willing to plead guilty and the evidence was clear, the magistrates were yet obliged to commit him to Quarter Sessions, where, through the influence of others, pleading 'not guilty' he not only became a criminal, but, unversed in the technical signifi-

Digitized by Google

cation of the plea 'not guilty,' was made a liar too; and if, as often happened, defended by a clever advocate, he was acquitted by the petty jury, he would be tempted to repeat his crime and run the risk of conviction. It did not follow that because a man had been tempted to a first crime his conscience was hardened; and it was of the utmost importance that the law should not, by a refusal to act upon a confession of guilt, tamper with conscience and encourage a future career of crime. He thought too that the practice of there and then pronouncing the alternative sentence of imprisonment in cases where fines were inflicted was one to be condemned as unnecessary and derogatory, when the offenders were ready to pay the fines, and the offences though against the law, were not stains upon the character.

Mr. W. F. Stribe (Worthing) regarded the point at issue to be whether the bill should be carried to its fullest extent in the next session of Parliament. He agreed with Mr. Bushby that the summary jurisdiction should be extended. Among other reasons was this one: that often there was a failure of justice because prosecutors and witnesses were unwilling, in the case of minor offences, to attend the Sessions at an inconvenience to themselves. In many such cases magistrates would deal with them better than Quarter Sessions. He concurred in the desirability of the summary jurisdiction of magistrates being extended quite to the extent recommended by Mr. Bushby.

Mr. H. K. Fordham (Baldock) noticed as another reason for extending the summary jurisdiction of magistrates, that justices in Petty Sessions were better able to judge of the innocence or guilt of the accused than juries at Quarter Sessions. It had frequently happened that in cases where his Bench had felt perfectly certain of the guilt of a prisoner the accused had been acquitted by the jury at Quarter Sessions. In a recent instance of such an acquittal, the accused had, before trial, repeatedly confessed his guilt. Juries were influenced by the address of the chairman of Quarter Sessions, by their own feelings, or by the prisoner's advocate; therefore magistrates were more competent judges than were petty juries, and their summary jurisdiction might well be extended, promoting at once the interests of economy and justice.

Mr. A. H. A. Hamilton (Exeter) expressed his concurrence with Mr. Bushby's Paper and his admiration of its clearness; and pointed out that a pecuniary limit, whether in regard to the property stolen or the penalty inflicted, must be to a certain extent delusive, because of the gradual change in the value of money. The neglect to observe this change in legal matters caused many absurdities. The fine of 5*s*. for being drunk was established in the reign of Elizabeth, when probably it was intended to mean at least a penalty of 40*s*. in present money. He suggested that this point should be watched in going through the bill, and provision made for a periodical revision of the pecuniary limit.

Mr. James Solly (Wolverhampton), referring to Mr. Hamilton's observations, added that the onus of a pecuniary penalty would also vary with the state of trade, and more so with the means of the offender; 5*s*. might be a heavier fine at one time than 10*s*. would be at another; and

Digitized by Google

to one man a fine of 5*s*. might be a heavier punishment than 5*l*. would be to another man.

The CHAIRMAN (Mr. JOSEPH BROWN, Q.C.) observed that Mr. Serjeant Pulling was evidently in a glorious minority, and though he (Mr. Brown) had read the Paper, he did not at all agree with it. Mr. Serjeant Pulling either did not appear to trust the judgment of the magistrates on the guilt or innocence of the prisoner, or he was afraid lest they should practise too much severity, or be too lenient. In regard to trusting the judgment of the magistrates, he (Mr. Brown) took an entirely opposite view. The magistrates were better qualified by education and experience in the hearing of cases to form a judgment than were the petty jury. And again, the magistrates, especially in country districts, either directly or indirectly knew something of the prisoner, and were better able than a jury to form an opinion of a man's character and of his probable guilt. This was an advantage which the old juries in this country did possess, because juries were formerly chosen from the neighbourhood of the prisoner in order that they might know something about him. Some years ago he (Mr. Brown) had a conversation with Mr. Pashley, then judge of the Middlesex Quarter Sessions, in which capacity he had the most extensive experience, besides being a man of great acumen and judgment in criminal matters. He put this question—'Will you tell me, Mr. Pashley, what proportion of the men who are brought before you, for various offences, are acquitted by the jury?' 'Well,' he said, 'I think it varies from 9 to 12 per cent.' 'Now will you tell me what proportion of these men are really innocent of the offence with which they are charged?' and his answer was, 'I should think perhaps about 1 in 200.' From this they might judge how much danger there would have been of the magistrates going wrong if, instead of sending those prisoners to the Quarter Sessions, they had convicted the whole lot of them. As to the second point, that the magistrates might be too severe or too lenient, he (Mr. Brown) did not believe they would be too lenient as a rule. The same fault had been found with the judges of assize. Whatever charge was laid in that respect against the London or country magistrates was equally applicable to the judges of assize, or to the chairman of Quarter Sessions probably. As to the fear that magistrates would be too severe, his own observation showed that magistrates both in town and country had been actuated always by the most humane consideration for the prisoner, whilst duly protecting the interests of public justice. Newspaper criticisms now and then appeared on the occasional severity or inequality of the sentences inflicted by different magistrates; but having had something to do with actions for libel arising out of charges of that sort, he had almost always found that the judgment of the newspaper critic was founded upon an imperfect acquaintance with the facts, gathered from some imperfect and abbreviated paragraph in a country newspaper, from which it was quite impossible to form a correct judgment. Occasionally he had noticed too that the newspaper writer had the dangerous and mischievous propensity of courting the favour of the lower orders, in fact of the class to which prisoners mostly belonged. The instances of undue severity were very rare indeed.

Digitized by Google

Mr. Bushby, in reply, said he had nothing to add to his Paper, inasmuch as it had not elicited any hostile remark or argument.

The resolution then put by the President and adopted was as follows:—'That the Council of the Association be requested to take into consideration the question of summary jurisdiction of magistrates with special reference to the proposed Government measure dealing with the matter, and to the Papers contributed by Mr. Pulling, Mr. Bushby, and Mr. Solly.'

INTERNATIONAL PRISON CONGRESS.

The Consideration of the Stockholm International Prison Congress. By Dr. E. C. Wines, Honorary President of the Stockholm Congress.

SOME fifty reports were transmitted to the Congress by Governments in reply to questions addressed to them by the International Penitentiary Commission. The information so communicated on the penitentiary systems and administrations of the several nations taking part in the Congress is not only vast in extent, but much of it of an extremely interesting and instructive character.

The Congress was divided into three sections, viz.: I. Penal Legislation; II. Penitentiary Establishments; and III. Preventive Institutions. It worked six hours a day—three in general assembly and three in sections.

The conclusions formulated by the first section and adopted by the Congress are:

1. While maintaining uniformity in the mode of applying the punishment, the Congress is of the opinion that the administration of the prison should possess a discretionary power within limits determined by law, to the end that it may, as far as possible, apply the spirit of the general *régime* to the moral condition of each prisoner.

2. While reserving the lighter and special penalties for certain offences neither grave in themselves nor denoting a deep corruption on the part of their author, it is desirable, whatever the Penitentiary system may be, to adopt, as far as may be, the legal assimilation of punishments privative of liberty, without other difference between them than their duration and the accessory consequences which they may involve after liberation.

3. The penalty of transportation presents difficulties in the execution which neither permit its adoption in all countries,

Digitized by Google

nor allow the hope that it can, everywhere, realise all the conditions of an effective penal justice.

4. It is not only useful but essential that there be in the State a central power, which has the right of directing and inspecting all prisons without exception, and equally all establishments devoted to the care and treatment of young delinquents.

The conclusions reported from the second section and adopted by the Congress are:

I. (1) The system of international penitentiary statistics ought to be continued according to the method adopted for the year 1872.

(2) The choice of the formulas and the details of execution should be left to the judgment of the International Penitentiary Commission, under the reserve that all the numerical data be accompanied by explanations of such a nature as to facilitate the understanding of them.

(3) The preparation of the annual international penitentiary statistics should be confided, successively, to the penitentiary administration of each of the countries represented in the Commission.

II. The Congress is of the opinion that prison officers, before being definitively admitted to the service, should receive a theoretical and practical education suited to prepare them for their profession. It is further of the opinion that the essential condition of a supply of qualified officers consists in the payment of such salaries as will attract and retain competent persons in the service, and in such guarantees as will assure to them permanence in their situation.

III. The Congress declares its approval of the use of the following disciplinary punishments in penitentiaries:

(1) Admonition.

(2) The partial or absolute privation of the rewards accorded.

(3) A more strict imprisonment.

This punishment may be increased in severity, so far as the health and character of the prisoner will permit, by withdrawing from his cell the table, chair, or bed; by darkening the cell; or by depriving him of the permission to read and work.

If the above-mentioned punishments do not suffice, the following may be applied, under the reserve specified in the foregoing paragraph.

(4) A reduction of the rations of each day, conjointly with the privation of work.

(5) In cases of grave violence and of fury on the part of

Digitized by Google

the convict the strait jacket or some similar agency may be used.

As regards prisoners awaiting trial, the governor should be restricted to the use of such agencies as may accomplish the end in view, and all disorder or excess on the part of the prisoner may be prevented or repressed.

IV. As conditional liberation is not opposed to the principles of penal law, as it is not an infringement of the sentence, and as, moreover, it offers advantages to society as well as to the convict, it ought to be recommended to the careful study of Governments. Nevertheless, it is an institution which should be surrounded by appropriate guarantees.

V. In countries where the cellular system prevails, it should be applied, in principle, without distinction of race, of social condition (peasants or citizens), or of sex, save that the administration may take account, in the details, of special conditions of race or of the social state. There is no reserve to be made, except as to that which concerns young offenders, and if the cellular *régime* is extended to them, it should be in such manner as not to interfere with their physical or moral development.

VI. Exception may be made to the rule of isolation in the following cases:—

(1) When the prisoner is insane, or suffering under some mental affection.

(2) When he is the subject of some chronic malady, or of grave and incurable infirmities.

(3) When, after a sufficient trial, it becomes apparent that cellular imprisonment cannot be further prolonged without exposing the prisoner to serious dangers.

The conclusions reported from the third section and adopted by the Congress are:

I. and II. The Congress, convinced that aid to liberated adult prisoners is the essential complement of a reformatory prison discipline, and taking account of the results obtained since the last meeting, is of the opinion:

(1) That it is important to generalise, as much as possible, this institution, by stimulating private initiative to found aid societies in concurrence with the Government, but without giving to such associations an official character.

(2) The Congress is further of the opinion that aid should be given to such liberated prisoners as, during their imprisonment, shall have given proofs of reformation, attested either by the penitentiary administration, or by visitors delegated by aid societies.

Digitized by Google

(3) The Congress thinks it desirable that distinct societies should be organised for liberated females, and that their management be confided, as far as practicable, to persons of their own sex.

III. and IV. (1) In the treatment of minors who have been acquitted as having acted without knowledge, or of vagrant, mendicant, and vicious children in general, the principle must be distinctly recognised that it is not a question of executing a penalty or a chastisement, but of giving an education, whose aim is to place the children in a condition where they can gain an honest living and be useful to society instead of injuring it.

(2) The best education is that which is given in a virtuous family. In default of families, which may guarantee a virtuous education and be disposed to undertake this duty, recourse may be had to public or private establishments.

(3) Such establishments should have for their basis religion and work, united to scholastic instruction.

(4) It is a question whether in these establishments the system of small groups of children, formed in imitation of families, or large numbers massed together, is to be preferred. This question can only be decided by circumstances. In any case the number of inmates, gathered into the same establishment, ought to be so limited that the chief of the establishment may personally interest himself in each one.

(5) The children belonging to different religions should be, as far as possible, placed in different establishments. The separation of the sexes and of the different ages is desirable for children over ten years. If circumstances are such as to forbid the placing of the different sexes and ages in different establishments, they should at least be separated from each other in the establishments into which they are received.

(6) The education given in these institutions ought to correspond to the conditions in which the working classes live. Hence, a scholastic instruction on a level with that of the elementary schools; the greatest simplicity in the food, clothing, and lodging of the children; and, above all, labour.

(7) The labour ought to be so organised that the children of rural origin, as well as those of city origin, should find the means of preparing themselves for the future to which they are destined.

(8) The girls ought to receive in these establishments an education which will prepare them, above all, for the care and management of a household.

(9) The placing of vicious children in families or institu-

Digitized by Google

tions should take place, as far as possible, without the intervention of the judiciary; and the law should provide that the child so placed be not withdrawn before his education shall have been completed, or against the will of the direction. The Congress applauds the efforts made to this end on the part of certain Governments by substituting for judicial action the intervention of a tutelary authority created for this purpose.

(10) Establishments of the sort here intended should have the power to retain their inmates to eighteen years completed. Any prior liberation should be revocable in case of misconduct.

(11) It should be made the duty of the managers of these institutions to see that their wards, on their liberation, be provided with suitable places as assistants on farms, as domestic servants, as apprentices, or that they be employed in some other manner.

(12) All establishments of this sort ought to be subject to a general supervision on the part of the public authority.

V. With a view to the prevention and repression of crime, it is desirable that an understanding be had between the Governments of different countries. Such understanding ought, in the first place, to have relation to treaties of extradition, which it would be useful to revise and make more uniform and then to the agencies recognised as most practical in carrying into effect the provisions of these treaties, and for establishing closer relations between the police administrations of different States.

VI. The Congress is of the opinion that the most effectual means of combating relapses are: a reformatory, prison discipline, conditional liberation, and a less frequent use of short punishments for habitual criminals. That if, in the legislations of the different countries, the increased penalties to be incurred in case of relapse were indicated with sufficient exactness, relapses might become less frequent; and that the institutions recognised as complementary to a prison system—such as aid societies, houses of industry, agricultural colonies, and other means of assistance—might be made to effectually contribute to the end indicated.

In brief, the opinion of the First Section favours a legal recognition of the principle of individualisation in convict treatment. It is opposed to the retention of a terminology in sentences which keeps up distinctions that have, in great part, lost their significance and ceased to be applied in practice; and demands the legal assimilation of punishments privative of liberty, without other differences than their duration and cer-

Digitized by Google

tain accessory consequences involved in them; is against transportation in principle, but admits it in exceptional cases, and it favours a Government inspection of all penal and preventive institutions, whether public or private.

The Second Section proposes a system of international penitentiary statistics, simple in form and restricted in topics, and accompanied with such explanations from each Government as will render their data intelligible to all, and enable the students of penitentiary science to make solid comparisons of the results obtained in different countries, and under different systems. It strongly favours the professional education, in some form, of prison officers and *employés*, and the payment of such salaries as will attract and retain competent persons in the prison service, declares its approval, as disciplinary punishments, of admonition; a partial or total privation of the rewards granted; a stricter imprisonment, with such aggravations, not prejudicial to health, as may be found necessary; a reduction of the daily ration, with privation of work; and, in cases of grave violence or fury, the strait jacket; and strongly favours the principle of conditional liberation.

Where the cellular system is in vogue, it desires its application, in principle, without distinction of race, social condition, or sex, but makes a reserve, in the details, in specific cases; and it declares that exception may be made to the rule of isolation in the case of the insane, in the case of persons affected by chronic or incurable diseases, and whenever cellular separation cannot be further prolonged without exposing the prisoner to grave dangers.

The Third Section emphasises its approval of the system of patronage or aid to such prisoners, on their liberation, as shall have given proofs of reformation during their imprisonment, and considers it the essential complement of a reformatory prison treatment. It strongly favours a comprehensive, well-organised, and wisely administered system of reformatory and preventive institutions and agencies for juveniles, as well those who are in danger of becoming criminals as those who have already committed criminal acts; and is of the opinion that, in order to a more vigorous repression of crime, closer relations should be established between the police administrations of different countries, and that the extradition treaties already existing may be advantageously revised, with a view to greater uniformity.

Finally, the Congress believes that the most effectual means to combat relapses are: a reformatory prison treatment; conditional liberation; a less frequent use of short punishments

Digitized by Google

for habitual criminals; cumulative sentences in cases of repeated transgression; and a more general and vigorous use of the institutions recognised as complementary to a good prison discipline, such as aid societies, houses of industry, agricultural colonies, &c., &c.

Such is the work of the Congress of Stockholm, so far as it appears in the conclusions reached by it. It only remains to add that, though the English Government declined to send an official delegate, England herself was honourably and ably represented by delegations from her magistracy, her penal and reformatory institutions, the Social Science Association, and her colonial possessions, as well as by eminent specialists, who were invited by the permanent Commission to take part in its proceedings.

DISCUSSION.

Mr. Barwick Baker (Gloucester) said:—It may perhaps appear to those who look cursorily at the matter that we have not gained much by the Stockholm Congress, since most of the principles there enunciated were no novelties, but had been in operation for many years. But when we consider the difficulty of getting unanimous opinions from men from different countries, with different customs and modes of thought, we must allow that it is important to have obtained so much unanimity from the representatives of all the civilised nations of the earth. But there are some principles approved by the Congress of which many of the English public are yet in doubt, and of which the good working is only known to those who have studied it—such as that of conditional liberation, which used to be spoken of with dread, as the 'ticket-of-leave system,' but which—now that it is well managed—is found so great a benefit that I trust it may be introduced into all countries that have a police capable of working it. One point I must regret, namely, the continued recognition of acquitting boys as '*sans discernment.*' It is true that very young boys have generally—not always—less discernment than men, but of the hundreds who have passed through my hands I do not believe many have sinned without a guilty knowledge, and I believe that a decided punishment, though perhaps less real than apparent, ought to be recognised. I rejoice much to see it carried by an ample majority that children belonging to different religions should be, as far as possible, brought up in schools of their own faith. More than twenty years ago it was a pleasure to me to work with others in establishing the system of *free* religious education in the reformatories of England and Ireland, which continues to this day. A religious education fettered by the fear of offending others of different opinions cannot be called *free*. Apart, however, from details, a meeting of eminent men of every civilised nation in the world to discuss so great a subject as the diminution of crime, whether for the sake of lessening

Digitized by Google

the loss and risk to ourselves, or, far more, the lessening to our neighbour of that temptation from which we pray for deliverance—such a meeting is a glorious fact. Had an emperor employed his wealth and power in calling such a Congress together, it would have been a noble achievement. But for a simple citizen of New York, without high rank, position, or wealth, with nothing to help him except love for the glory of God and the good of his neighbour, and determination and WILL TO WORK, in spite of advanced age and failing health—for such a one to have been the chief mover in such a work shows how a single-hearted energy, with God's help, may work, and attain to large results, without what are called 'worldly advantages.'

Mr. A. J. S. MADDISON (Secretary of the Reformatory and Refuge Union, London) said:—Amongst the resolutions of the Stockholm Congress not referred to by the previous speaker (Mr. Baker) was (1) that relating to the Government inspection of ALL institutions for young delinquents. In England it is true that all such establishments, receiving grants, are inspected by Government; but there are many institutions, receiving and boarding altogether thousands of the most neglected children of the land, which are supported entirely by voluntary contributions, and are subject to no Government control whatever. Indeed, any individual or society can undertake the care of such children and can defy interference. Happily, these institutions are, for the most part, admirably managed; nevertheless, the system is liable to abuse; and it cannot be long ere this subject will have to be dealt with in a determined manner. (2) There is a resolution relating to the training of officers for prisons, and it may be presumed that the Congress had also in view the training of officers for reformatory and industrial schools. This subject has often been discussed, but hitherto the conclusion arrived at has been that the best and only effectual training is actual experience of the work in an institution. Training schools, similar to those in existence for schoolmasters, seem quite unsuitable for the training of officers for prisons, reformatories, or industrial schools. (3) The Congress resolved that for juvenile delinquents education ought to be provided on a level with that of the elementary schools. This is particularly applicable to English and Scotch reformatories and industrial schools, which are at present almost unrecognised by the Educational Department. The schoolmasters cannot obtain their certificates while serving in them; or, having certificates, cannot get them endorsed; and the result of this is, that managers experience the utmost difficulty in securing efficient teachers; for, as a rule, the best either have certificates or aspire to obtaining them, and are therefore drafted off to the elementary schools. Hence the Inspector of Reformatories and Industrial Schools, in his last report, had to complain that in twenty-two of these institutions the educational state was unsatisfactory. Of one industrial school the Inspector remarked that several 'had left the school after four or five years' detention with a very inadequate amount of education.' (4) The Congress wisely resolved that power ought to be given to the managers of reformatory and preventive institutions for juveniles, to detain them, if thought necessary, till the age of eighteen. In England the complaint is that more than fifty per cent. of

Digitized by Google

the failures in industrial schools are traceable to the interference of the parents in the disposal of the children, owing to the managers having no positive control over them after the age of sixteen. It has often been urged at the Social Science Congress, and at other meetings, that even another six months' control would enable the children to get a fair start; and that such an extension is only fair and reasonable, seeing that the parents, as a rule, had forfeited the right to dispose of their children. But hitherto the question has not advanced beyond this general expression of opinion; nevertheless, it is no small satisfaction to have the opinion confirmed by the Stockholm Congress.

Mr. Frederic Hill (London) said:—I entirely concur in the opinion expressed by Mr. Barwick Baker, that the Stockholm Congress accomplished an important work in bringing into accordance, after full discussion, the views of men representing almost the whole of the civilised world on the subject of prison discipline and the general treatment of criminals, and in recording and giving public expression to these views. It is a lamentable fact, that, by official delegates, England did not appear at this Congress; but the exertions of her private citizens made up, as is the wont with us in such cases, for the default of our Government; and to the adequacy of our representation in this form Dr. Wines has borne strong testimony. I heartily agree in the terms of praise in which Mr. Baker has spoken of Dr. Wines, who, in my opinion, has conferred a great benefit, not on one country alone—although that would have been much to accomplish—but upon all countries. Happily for us all, he unites qualifications without which success in his onerous task would have been impossible—a wide knowledge of the subject, self-devotion, perseverance, conciliatory address, tact, and untiring industry; and of the exercise of this combination of qualities we now enjoy the fruit. I rejoice to find that the Congress has laid down no hard and fast lines in the management of prisons; but, while abiding by general principles, contemplates the exercise of large discretionary powers and the trial of many experiments. Indeed, without such experiments, the amount of agreement obtained at Stockholm would not have been practicable. I rejoice, also, that the Congress attaches great value to the appointment of gaol officers; not mere men of routine and drill, but persons imbued with the importance of the task they undertake, and anxious to promote the real welfare of the prisoners. With great pleasure, moreover, I observe that the Congress gave no sanction to labour that is merely penal, and which, instead of fostering a love of industry, must always tend to give a distaste for it. I entirely agree, also, in its disapproval of all kinds of punishment which are of a degrading kind, and which, more or less, must deprive a prisoner of self-respect. The importance too, which the Congress attaches to a provision for assisting well-conducted prisoners on their discharge must command general approval. And, lastly, I would desire to express my hearty agreement in the Congress's disapproval, except under very special circumstances, of transportation. Three hundred years ago Lord Bacon, who, in this matter, as in others, was far before his age, declared that 'it is a shameful and unblessed thing to take the scum of people, and wicked and condemned men, to be the people

Digitized by Google

with whom you plant.' Of these three hundred years it took 270 to bring English people, forward as we believe ourselves to be in the march of civilisation, to arrive at the point so long ago reached by Lord Bacon. But we have, at any rate, the comfort of knowing that when once our countrymen have taken a step in knowledge they very seldom fall back.

Colonel RATCLIFF (Birmingham) joined in the expression of obligation to Dr. Wines, and said that one of the great advantages derived from the Stockholm Congress was that it had elicited the views of almost all civilised countries on the treatment of their criminals. Elementary instruction in reformatory and industrial schools was not passed over, because the state of it was always noted down by the Government Inspector. In several reformatories there were good and experienced masters, who really felt a love for their work; but it was difficult to retain certificated masters, because of the necessity of continuous attention to the duties for the whole year. At the reformatory with which he was more particularly acquainted the schoolmaster had not been able, with any degree of confidence, to take more than two or three holidays in twenty years. After visiting the prisons of England, America, and Germany he had arrived at the conclusion that association caused prisoners to become more familiar with crime, while the cellular system, interrupted by official visits, threw a prisoner back upon his own reflections, and the help of an Aid Society on his discharge still further contributed to dissociate him from former bad companions and habits. For twenty years the Birmingham Society had rendered assistance which had saved many discharged prisoners from returning to crime, while it had also detected duplicity in habitual criminals, who ought never to be relieved from close supervision. A reduced dietary was a great punishment to a man sent to prison for a few weeks, but could not be persisted in to the extent of injuring the constitution. It would be wrong to allow prisons to be governed without a proper code of rules to direct officers in the discharge of their duties.

Mr. MADDISON explained that his remarks on the state of education in reformatories were founded upon the complaint of the Inspector that twenty-two schools were in an unsatisfactory condition.

Sir GEORGE A. ARNEY (London) said:—It will be impossible on the present occasion to review the long and learned debates of the Stockholm Congress, leading, as they did, to a series of definite resolutions on the three subjects of penal legislation, penitentiary establishments, and preventive institutions, assigned to the three sections into which the Congress was divided. The speakers in these debates were well versed in the questions discussed, and qualified, by special knowledge and experience, to lead the opinions of others. Dr. Wines has said that the reputation of the Congress of Stockholm must stand or fall upon the conclusions adopted by it. That is true if the merit of its conclusions is to be determined by the truth of the principles involved. But it must be remembered that resolutions are often framed to conciliate differing opinions, and are really a compromise between divergent views. At Stockholm every shade of opinion upon the various questions considered was reflected in the debates of the Congress—reflected

Digitized by Google

from many minds of many nationalities. It was made quite apparent at Stockholm (and this was one of the most encouraging features of the Congress), that there had grown up a public opinion, on the subject of prison reform, which already embraced the whole of Europe and the United States, and is destined to influence every civilised and many a half-civilised community. In this work England has, at least in Europe, led the van in the improvement of penitentiary institutions. But the nations of Europe have risen to the occasion—not only those which have long claimed to lead civilisation, like France, and those which, like Sweden, have, by common consent, set an example to others; but Italy, Switzerland, Russia, Germany, Austria, and other European nations. The Congress of Stockholm has done a good work. In addition to the numerous reports transmitted to the Congress by governments on their prison systems and administration, and in addition to many valuable papers contributed by private individuals, there is a volume of reports prepared and printed prior to the Congress on the questions contained in the programme. These reports consist of a series of elaborate essays, reflecting the opinions of their authors, whose several nationalities were Germany, Austria, Switzerland, France, Sweden, Norway, Denmark, Holland, Belgium, Italy, Spain, England, and the United States. I venture to doubt whether, as a contribution to this class of literature, the volume so prepared has ever been equalled. I may, perhaps, be permitted to refer, in a few words, to the labours of the International Penitentiary Commission, as well as to those of the Congress. This body has prepared a new basis of organisation, whose leading features are:—1. The impression of an official character upon the Commission through the appointment of its members by governments. 2. Annual sessions. 3. An annual report on international prison statistics. 4. It will make such recommendations to governments in relation to the penitentiary question as it shall see fit. 5. The Congress will not meet oftener than once in five years. This new basis will be submitted to the different governments for their acceptance. The Government of Sweden and Norway will undertake the necessary negotiations to secure such acceptance. The old Commission has done a good work, and I desire, especially, to add my testimony to that of other speakers to the energy, patience, tact, and courtesy which Dr. Wines has uniformly displayed. But the constitution of the Commission may be improved by the adoption of the new basis. I cannot but regret that England declined to send an official delegate to the Congress. Other countries, however—to the number, I think, of thirty, or thereabouts—were represented well and ably. France sent six official delegates; Spain, three; Italy, four; Austria, two; the German Empire, one; the German States, six; Russia, one; Belgium, two; Holland, two; the Scandinavian States, each, several; Switzerland, two; Greece, one; the United States one; the individual States of the Union, six or eight; our own Colonies, several; Mexico, Brazil, and several of the South American Republics, one each. All these official delegates were men of mark, for the most part connected with the penitentiary administration of their respective countries. Besides them many governors of prisons and reformatories were present in a

Digitized by Google

non-official character; so that it has been said, and I believe correctly, that at least three-fourths of the prisons of Europe were, more or less, directly represented at the Congress of Stockholm. One word further. There can be no doubt that a large measure of the success of the Congress was due to the hearty co-operation of His Majesty the King and the Government of Sweden. Sweden's Prime Minister was its president, while the King honoured it with his presence and entertained its members at a banquet. Those whose privilege it was to sit in that grand old hall where the Congress was held, surrounded by ancestral memorials of the nobles of Sweden, and in the presence of the Sovereign who had come and taken his seat to hear the debates of the Congress, could not but feel encouraged in their labours. And now, whenever they call to remembrance that beautiful city of islands, rising amidst its forest hills out of the waters of Lake Maeler and the Baltic—if with that remembrance they associate the memory of their Congress work, they will surely admit that they must share with the monarch, who lent his best aid to their work, any good they may have effected in the cause of civilisation.

Mr. W. Layton Lowndes (Broseley, Salop) specially called the attention of the meeting to the conclusion No. 2, relating to the training of prison employés, reported from the Second Section and adopted by the Congress of Stockholm. The conclusions of the Congress were most carefully drawn up, and all would agree that the proper training of prison warders was of the greatest consequence. The question was how it should be given. Probably it would be better that those employed in reformatories should have a special training before commencing their work. But with regard to prison warders, Italy was the only nation which had established a normal school for this purpose. This school was founded after the Congress held in London in 1872, and was represented by the Italian delegates to be doing good work. But such an institution seemed scarcely necessary in England, especially now that all the gaols were under the control of the Government, and promotion according to merit could be made from one prison to another. The training of warders was one of the special duties of the governor of a prison, and no warder should be confirmed in his appointment until he showed special aptitude—which includes not only the enforcing of rules, but also the power of exercising an influence for good among the prisoners. The prison itself, with a competent governor at its head, is the best school for training prison officers. With regard to the length of time that inmates should be detained in reformatories, the law as it is in England seemed to meet the recommendation of the Congress that the age of eighteen years should be completed. Criminals can be sentenced to a reformatory for a term of five years. It is advisable that the court should always sentence the prisoner to the full term. The managers of the reformatory can see how he goes on. If he turns out well he can be released at any time under an order of the Home Secretary, or if necessary he may be detained for the whole period of his sentence. It is not desirable to send anyone to a reformatory for the first offence. Statistics quoted by Mr. Barwick Baker show that nine-tenths of the juvenile criminals are not convicted a second time—proving that the

Digitized by Google

punishment consequent on the first conviction has had its effect, and that for these cases it is not necessary to put in motion the costly machinery of the reformatory. Neither is it desirable, except under very special circumstances, to send a juvenile criminal to a reformatory at an earlier age than thirteen or fourteen years, because the special training of a reformatory is more effective, and habits of industry more certainly formed, between the ages of, say, from sixteen to twenty than at an earlier period. If, therefore, the English law as it stands be administered as here indicated, inmates may be detained in reformatories until their eighteenth year is completed.[1]

Mr. Alfred Hill (Birmingham), who had enjoyed the friendship of Dr. Wines for several years, confirmed the testimony borne by previous speakers to his exertions as prime mover in the foundation of this International Congress. He had personally seen the work which Dr. Wines had accomplished, and had witnessed his persistent efforts to induce the Government of the United States to give the help which had started the institution. The remarks of Sir G. Arney respecting the King of Sweden were well deserved. A more enlightened and accomplished monarch did not sit upon any throne, and his patronage or assistance to the Congress was of the greatest value. The British members of the Congress found themselves in an uncomfortable position; because their Government was conspicuous by its absence, although nearly every other civilised Government had sent delegates. This made people suspect that our Government were not so forward in the desire to improve matters as they ought to be; and that impression was strengthened by a statement (which he had heard on good authority), that the treadmill was to be introduced into all prisons. It had already been introduced into the prison of the town with which he was connected; and its general introduction was to be ordered, on the plea that the labour of the prisons must be utilised to grind corn, thus setting human labour to compete with steam and water. With reference to Prisoners' Aid Societies, they would be obliged to discontinue their useful exertions, unless strong pressure were put upon the Government for the requisite assistance. The allowances hitherto cordially given by the magistrates of counties and boroughs were about to be reduced to such a low amount that, in many instances, these societies would not be able to exist. In some counties, where prisoners were few, they would be in a position, by means of private subscriptions, to do without Government aid, but not in the great towns, if the intentions expressed by the officers of the Government were to be carried out. He concurred as to the undesirableness of sending young children to reformatories. As manager of a girls' reformatory he was strongly impressed with the unwisdom of being too ready to send young children to reformatories, whether boys or girls. In the first place, it was a very serious thing to deprive a child of its liberty for five years. Only strong necessity should compel such a course; where, for instance, a child might become a thief or a vagrant, and there was no reasonable prospect of reform unless he were sent to a reformatory.

[1] Mr. Lowndes, it will be seen, refers to reformatories, and not to industrial schools, which formed the subject of Mr. Maddison's criticisms.

Digitized by Google

With reference to the suggestion that, upon a first conviction, a child should be sent to prison, no doubt in Shropshire the separate system was completely carried into effect; but a stigma attached to any person committed to prison, and, therefore, he would say, 'If possible, save a young boy or girl from that stigma.' He had had some experience as a magistrate during five years, and the plan adopted by his fellow-magistrates had, in many instances, been effectual. When a boy or girl was brought up they inquired as to the character of the child and its parents; and if there was not time to ascertain that fact a remand was ordered. They also directed that the parents should have notice to appear when the child was brought up on remand. They then ascertained whether the fault was the child's or the parents'; whether it had been neglected, or whether it was an unruly child. If it proved to be the child's fault it was told, 'You have a good mother; you had better obey her. If you do not, and you come here again, you will surely be sent to a reformatory for five years. We will give you another chance and allow you to go home with your mother.' If, on the contrary, it were the parent's fault, and there were any chance of the child being withdrawn from evil ways, the magistrates spoke in these terms: 'We had a great mind to send the child to a reformatory or industrial school, in which case you would have to pay 2*s.* 6*d.* a week for five years. Therefore, we advise you to be very careful with the boy, and take care that he goes to school, or, if old enough, to work. If you do not take proper care of him, and he comes before us again, depend upon it we shall send him to a reformatory.' In many cases nothing more was heard either of the parent or the child. The magistrates also preferred to send younger children to industrial schools rather than to reformatories. Under seven years of age they could be sent to industrial schools, even if they had committed felony; and under fourteen, if neglected by their parents or found in a state of vagrancy. The general feeling was that it was very injurious to send the latter class of young children amongst those who had been convicted of felony.

Mr. H. G. Tuke (Cheltenham) referred to the remark of Mr. Barwick Baker, which implied that he was rather averse to dismissing a child from his position in the dock, on the ground of his ignorance of the crime of which he stood accused. What, he asked, was such a child accused of? Not of a breach of the Divine Commandments, nor of an infringement of the moral law, but of theft, and he was tried because he had broken the provisions of the Common Law, or of a clause in an Act of Parliament, which said, in effect, that an offender should not go free. This was on the principle of the legal maxim—*Ignorantia juris neminem excusat.* Experienced criminals were said to keep a memorandum-book recording the amount of punishment to be given for any particular crime, so that they knew the consequences of their actions; but was the same rule, which was applicable to them, to have force with young children, who were not likely to know what the law really was? The Stockholm Congress had not completed its work, if it had not included in its recommendations, one that the criminal law should be so codified, and made so common and well known, that no

Digitized by Google

man should have reasonable ground to complain of being punished under a law the effect of which he had not had opportunity of learning.

Dr. WINES expressed his gratitude for the kind personal allusions which had been made to his own work, but still more for the discussion of the subject, and for the highly complimentary references to the Congress at Stockholm and to its labours. He had no criticisms to offer on the discussion. Very high commendation had been deservedly given to the King and the Parliament of Sweden for the liberality they had shown in defraying the expense of the Congress, and of the publication of its *Transactions*. Thus we have two volumes —one devoted to the work actually accomplished by the Congress, the papers submitted, and the preliminary reports; and the other containing reports sent in by various Governments. Many interesting and valuable records had been obtained, through the earnest co-operation of the Earl of Carnarvon, from the British Colonies, several of which were doing valuable work in prison reform. There were twenty-four or twenty-five of such reports, and about as many more from foreign Governments. One of the most elaborate and interesting was from the Government of Japan, written in Japanese, translated at Washington, and prepared by two Japanese ministers of state, one of whom had since been assassinated. The credit granted by the Government of Sweden would put the work in type and supply copies to other Governments and to the members of the Congress; but would not admit of a larger circulation of the work except on terms that would pay the cost of production.

Cumulative Punishment.[1] By T. BARWICK LL. BAKER.

I HAVE been asked to write a Paper on the system of cumulative punishment for crimes or offences. I fear that I can state nothing that is new, nothing that has not been urged by myself or others; but I will endeavour to lay the leading arguments before you, to serve at the least as a peg whereon a discussion may be hung.

I would ask in the first place, what is our chief object in the infliction of punishment? Is it to make the offender repay Society for the wrong he has done it?—To atone for his crime, so that when the punishment is completed Society is none the worse for the crime having been committed?—That the man has paid his debt, and is entitled to run up a fresh score?—Or is our object a perfectly different one, namely, the prevention, as far as we can effect it, of crime for the future? If the former, we must consider with care, what has been the exact degree of wickedness in the offender's heart, and make him pay an exact equivalent of pain—a difficult—nay, an impossible

[1] See *Transactions*, 1874, p. 281; 1876, p. 382.

Digitized by Google

task. As Dr. Wines said at Stockholm: None but an Omniscient judge can know the first, while we may add, No one, however he may have studied the feelings of prisoners, can tell how differently the same sentence will affect the different persons subjected to it. When, in addition to this, we remember that the punishment inflicted not only does not recoup society for the wrong done, but costs the country 713,000*l.* a year in addition to the original injury of the crime, I think we may fairly say that punishment with reference to the past is wholly unsatisfactory, and that our only object worth attempting is the prevention of future crime.

It is true, indeed, that we must be so far guided by the past crime, that we must take care that our punishment must bear some fair proportion to the crime committed; and if we can make the sentence intelligible, both to the public and to the criminal, a great advantage will be gained. It is of importance that the public should understand and appreciate the system on which punishment is awarded. If they should be disposed—even erroneously—to pity and condole with the offender, the punishment is slightly lessened, but the good effect of it is almost wholly destroyed, and we commit the great error of inflicting a maximum of pain with a minimum of deterrence. But if the reason of our sentence is unintelligible to the criminal class, it is still worse. Our whole object is to affect the criminal class in such a way as to lessen their readiness to yield to temptation; but how are we to affect them if they do not understand us? Nor is this all: we must make them understand our system—not when they have committed a crime and are caught and found guilty—it is then too late to prevent the crime, and the punishment cannot atone for it or undo it—but we must make them understand before they commit the crime, how they will be punished if they are caught and convicted. This is difficult, because criminals with a few exceptions are nearly the stupidest of Her Majesty's subjects—yet the most carefully studied sentences of the wisest of human judges if they are not understood by those to whom they are addressed, are absolutely useless. The highest wisdom of Socrates delivered in Plato's purest Greek would have simply no effect on the unlearned, where a few words in the plainest vernacular would do good service. The acute reasoning of a judge is lost when it is not understood.

The principle of cumulative sentences has long been recognized in Acts of Parliament, notably by the Criminal Consolidation Act of Vict., 24–25, which allowed a sentence of penal servitude on a second conviction for larceny.

Digitized by Google

The principle has been adopted by the judges to some extent and with good effect; but I know of no place where it has been openly recognised as a general rule, except in this county of Gloucester. I would ask whether it would not be well to recommend its adoption more generally?

In this county, the Justices in the Quarter Session of Epiphany, 1871, recommended that where no previous conviction was shown,[1] and where the value stolen did not exceed about 5*l.* the sentence should be short, not exceeding one month; but, that if a previous conviction were proved, the sentence for which had not expired for more than five years, the present sentence should be generally one of six months with several years of police supervision; and that a third conviction where the second had been for six months, should entail seven years' penal servitude.

It is necessary to avoid the laying down of hard rules. There will arise cases that cannot be defined by any law, where *summum jus* would be *summa injuria.* It would be an evil that a half-witted boy stealing a turnip or an apple for a third time should be sent to penal servitude. It would be an evil that one, who having no previous conviction, deliberately and intentionally stole 20*l.* or more, should escape with a month's imprisonment. But such cases are very rare, and, though discretion ought to be left in the hands of the judge, I believe that in nineteen cases out of twenty the rule may be fairly carried out.

If so, a very great advantage will be gained by the open recognition of the system. Not only the judge in passing sentence will be able to tell the prisoner what will be the consequence of a second and third offence (the prisoner is often so confused by the novel terrors of the court that this will make little lasting impression on him); but the officers of the gaol, the governor, chaplain, and warders will during his first imprisonment, recall to him and fix it in his mind, that his next offence will entail a new and far heavier sentence.

It is an old maxim, well known to all who have experience of men under punishment (though not considered as carefully as might be by those whose duty is only to pass sentence), that a repetition of any punishment hardens the feelings and diminishes its terror. A repetition of short imprisonment, or even of flogging, is not mischievous. It not only disposes the culprit himself to think little of a pain he has often endured and become used to, and even gives him a pride in braving it

[1] See Note (*a*).

Digitized by Google

out, but it deprives the punishment of all terror (or deterrence) to his neighbours. When Bill has undergone a short sentence four or five times and still continues his old course, Tom, Dick, and Harry can hardly be cowards enough to fear the same fate. Bill is a standing example of the inefficiency of the law, and others are incited to follow him. If our object be, not the punishment of the past, but the prevention of future crime, there is nothing so fatal to it as a repetition of the punishment when the first has failed.

Nor is this all. Comparatively few would commence crime, fewer still would continue it, if they saw none others old and skilled and successful in their course. I have often explained it thus to my legal friends. Suppose that a rule of the bar were made that when a young barrister gained his first cause he should be disbarred for a week; when he gained his second, he should be forbidden practice for twelve months; and after the third, he should be disqualified for seven years. If so, three things would inevitably happen. First, no man would have practice enough to become a good lawyer. Secondly, no man would make a fortune at the bar. Thirdly, few men would be inclined to commence the study of Law. But if a like system produce a like effect on criminals, we have exactly the result we wish to obtain. So long as men are subject to mortal frailty many will fall into a first crime; but if they see that few go on to the second or third, very few to a fourth, and none to a fifth, there will be far less temptation to a second. The leaders and examples of success will be wanting. No army can fight without generals, and, if one may use such a phrase, the army of crime will be demoralised.

But, if this be the effect of our system, if carried out more completely throughout England (and if it be gently and carefully and intelligently introduced, I can see no possible failure in its effect), how enormous would be the advantage! It would not only be that a few years would rid us of the present skilled thieves, but no more would arise. No one becomes very bad, still less, very clever on a sudden. It requires time to develope badness as well as goodness. The first time a man is caught stealing he is a bungler, unless he has a skilful, practised friend to teach, direct, and help him. By the time of his second conviction he has not learnt much, and six months of imprisonment will put him out of practice, and he comes out under the charge of the police—kindly treated—assisted to find work if he requires it—*but watched*, and with a knowledge that a new and heavy punishment is before him if he relapse. If this course will not yet check him, seven years of penal servitude will at

Digitized by Google

least prevent his acquiring or teaching more of skill and will cut off the entail of the inheritance of evil.[1]

But an objection is sometimes raised to the system that it will often bring a punishment so glaringly disproportionate to the offence, that public feeling will be shocked at seeing one man receive a fortnight's imprisonment for stealing 5*l.*, when another has seven years' penal servitude for only taking a loaf of bread. I grant that it will require explanation, but so do all sentences. The public will readily see that a man who has never been convicted will often 'take' something without a clear and definite feeling that he is stealing. As has often been said, a man *falls* into a first crime as he falls into love, or falls into a pond. He has little idea of what he is about till he finds himself floundering in the midst. He does not require a long and heavy punishment at great cost to the public, but he wants a sharp reminder that he has done wrong and must not do it again. An imprisonment of somewhere from a week to a month, with the constantly repeated reminder that the next time he is convicted he will come, not for a month or two, but for six months, with a long course of penal servitude to follow, exactly attains our great aim—'*the maximum of deterrence with the minimum of pain*'—a slight pain, a slight cost, but a clear, distinct, and dreaded threat of what seems to one who has just endured a first short imprisonment a terrible doom. Should this, however, fail to deter, the imprisonment for six months is well deserved, because he is sinning against knowledge and against warning. He has no excuse. He cannot have forgotten the lesson he has had within five years, but he repeats his offence in spite of full warning, and he requires the knowledge that the police are openly watching him, to prevent his falling for the third time. Should even this fail, as it occasionally will (though third convictions are now much more rare than they used to be), it becomes a question whether the criminal or the law is to be victorious. If the former, we must give up all hope of reducing crime. If the latter, we must adopt the only course to effectually secure against a relapse, namely, a far longer imprisonment.

Some consider this hard, or cruel. In my belief it is most merciful. I feel sure that the most cruel thing we can do, is to allow a man to go on in a life of crime when we have the power to check him.

A question has of late been keenly debated by French, Russians, Belgians, and by nearly every country except England. It was introduced at Stockholm in a 'Rapport'

[1] See Note (*b*).

Digitized by Google

by Count Wahlberg of Austria—'*Quel serait le meilleur moyen de combattre la récidive?*' It is in truth a most important question—How to prevent relapses.

First offences, even first convictions, sink into insignificance in a national point of view when compared with the constant relapses which form 'Habitual Crime.' A great offence makes a great sensation. The newspapers catch it up and it is talked of for nine days; but it is the scarcely observed *habit* of petty crime that saps the vitals of a nation. M. Wahlberg strongly urges increasing punishments. I would go further, and urge a *nearly fixed increase*; so that a man should know, with almost certainty, what would be the punishment of his next offence.

It is said that 'certainty' of punishment was most important, but it generally appears to me that the certainty is put in the wrong place. A certainty that after an offence has been committed and the culprit convicted—the sentence then pronounced by the judge shall be exactly carried out—appears to me a certainty worth little. It cannot prevent the crime which is past—it gives no certainty of what will be the punishment of any future crime. It cannot in any way increase deterrence in proportion to the pain given, or, let me add, to the cost. But the cumulative system—though scarcely more than a general rule yet—gives its degree of certainty in the right place. A man feeling a temptation to a second or third crime sees clearly a definite, untried, and therefore dreaded punishment staring him in the face, and he is far more likely to be prevented from committing it; and this prevention of the future crime—not the punishing of the past—is our object.

But it may be asked—is there any proof that a certainty, or *quasi* certainty, such as I speak of, has ever lessened crime materially? I think I can show that it has done so. Previous to the year 1856 there were no means of restraining the crime of boys except imprisonment. It was felt that to send a boy to one or two years of imprisonment or to penal servitude for a petty crime would be an evil, and therefore they were committed, time after time, to one, two, or three months' imprisonment, and after each sentence they returned to their old haunts—found the keeper of their lodgings and most of their companions, and continued their course of crime with some additional practice and skill. The number of convictions of boys and girls under 16 years of age, in England and Wales, had for long been steadily and rapidly increasing, and in the year 1856 had reached the number of 13,981.

In that year we had Reformatories sufficient to operate fairly

Digitized by Google

on the whole of England. Those who had been most often convicted were first received, and were removed for four or five years from their old haunts, and from being the leaders and corrupters of others; and the consequence was that in 1860 the number convicted had dropped to 8,029, or a reduction of forty-two per cent. Even this is far from showing the real reduction of crime, because a large portion of the 13,981 were clever, practised thieves who had been from four to ten times convicted, and who stole forty or fifty times for each detection. But nearly all the 8,029 were convicted only for the first or second time and each had probably been detected on his fourth or fifth theft.

But I am sometimes told that this was quite possible with boys, whose plastic nature is easily moulded; but that men are stubborn, and impossible to be reformed. This I utterly deny. As large a proportion of adult criminals are reformed as of boys—though less pains are taken with them—but in the case I speak of, reformation had little or nothing to do with it, because, first, less than 1,000 children were received in each of the four years, 1856–60, but the number of convictions was reduced by nearly 6,000 per annum; and, secondly, because few of those sent to Reformatories had returned to their homes, and therefore it could not be known whether they were reformed or not.

I have given the total numbers of England and Wales, including all the thinly inhabited districts where habitual crime is rare. The effect on the towns was generally much more marked. In those four years the children convicted in Liverpool dropped from 993 to 360; in Manchester, from 319 to 229; in Middlesex, from 4,113 to 2,180 (and in two years more to 1,511). But I must here make special mention of Cheltenham, our present hospitable abode, where I was able to watch the decrease more minutely, and where the number having risen to fifty-three in 1856, on the removal of four or five of the leaders, dropped to fourteen in the next year; and, in spite of enormous increase of population has, I think, rarely since risen above an average of twenty.

Forgive my repetition of a thrice-told tale, but I wish to remind you of the chief facts which bear upon the question.

Let me come to the more important, but more sad part of the question. I have spoken hitherto chiefly of what are technically called crimes. For these we have ample power of cumulation, and the number of indictable offences—which are chiefly of this class—has been steadily lowering from 27,190 in 1866, to 22,108 in 1875. But there is another class of

Digitized by Google

offences—smaller in the degree of each one, but in their great total, and especially in their constant recurrence—more pernicious to the good of a nation than thefts and higher crimes; and in most of these we have no power of giving cumulative punishment. These offences, usually determined at petty sessions, consist chiefly of those connected with ale and beer houses; stealing animals, trees, or shrubs; malicious injuries; vagrancy; assaults, and the being found drunk or disorderly; and in most of these cases the law allows little, if any, more punishment to be inflicted on a hundredth offence than on a first. The consequence of this is, that while our indictable offences which are subject to cumulation have decreased in the nine years, 1866–75, from 27,190 to 22,108; the offences tried summarily have increased from 481,770 to 649,827, or about thirty-five per cent. If we watch the different cases, this rise is sad but not extraordinary.

Some years ago it was stated that in one large gaol, a hundred and eleven women had been committed in twelve months, each for above the thirtieth time. Of course in that town crime was rampant. How could it be otherwise? The gaol had lost its terrors to all the ill-disposed population. I say without hesitation that it would have been far better to cease to punish such offences than to weaken the whole deterrence of the law, not only from such cases, but from all others. This is a hackneyed theme. Judges, magistrates, reformers have repeatedly pointed out the evil of such a course; yet till we get an alteration of the law, no great improvement can be made. It is indeed within the power of magistrates to begin with a three days' sentence, and to rapidly increase it to the maximum sentence of a month; and were this more often done it would be a great improvement. It is objected that such long sentences would fill the gaols. I have little doubt, on the other hand, that even this would so far lessen the number of offences that the gaol population would be reduced; but to deal effectually with so great an evil requires a greater power of cumulation. If we are to make it felt that the law is stronger than the offender—power must be given, not only for a useless punishment for the past, but for an effective prevention for the future.

It may be doubted exactly what degree of cumulative power should be allowed. My own opinion has for long been strongly in favour of a simple clause, that 'where an offence is proved and a previous conviction within twelve months is shown, the last given sentence, whether of fine or imprisonment, may be doubled'; but that when the last sentence had exceeded

Digitized by Google

two months, the case should be sent for trial at the Quarter Sessions. Such a law would not be hard on an accidental offender, to whom a three days' imprisonment would not be very severe, with a clearly defined knowledge that six, twelve, twenty-four, forty-eight days etc. would almost certainly follow a course of relapses, and would gently and by slow degrees show him that the law was stronger than he, and would be obeyed. I believe that such a law, instead of being hard and cruel, would be one of the most kind and beneficent laws of our Statute Book. It would be perfectly intelligible to the public and the criminal; it would punish none without fair warning; and it would save many thousands from a life of misery.

If this Association could procure the introduction of such a clause into the next Acts bearing on the subject, I believe that they would confer a most important benefit on their country.

Notes.

(*a*) I should explain that in the case of strangers apprehended for crime, it is often difficult to know whether they have been previously convicted or not; but our practice in such cases is—to inform the prisoner (if the evidence be sufficient to convict) that our rule is to give a very heavy sentence, but that we are ready to relax it if proof of good antecedents can be shown. If he then chooses to state that he has lived for the last four or five years at parish A., he is remanded, and the police write to the police of A. to inquire into his statement. If it be true, and nothing has been known against him, he is sent to prison for ten days and discharged; but if he be found stealing in some other place and again give a reference to A., the police will say that his account is so far true but that he has been convicted at ——. If he gives an untrue account he is committed for trial.

(*b*) I hardly need add that if seven years of penal servitude fail *to prevent* a continuance in crime, fifteen years ought to be tried. As Sir Edmund Du Cane has said, a man rarely continues in serious crime after about the age of thirty-five. If we can *prevent* him up to that age it is far less likely that he will relapse. If he should relapse after that age, in justice to the public, but far more in kindness to himself, he should be prevented by any length of imprisonment that may be necessary, from the misery of a life of crime.

Digitized by Google

DISCUSSION.

Mr. Alfred Hill (Birmingham) had endeavoured, as far as possible, to introduce into the Magistrates' Courts, in which he had sat, the principle laid down in Mr. Baker's paper. On the one hand, he had succeeded in preventing persons, brought up for a first offence, from being sent to gaol for a month—the usual practice—and in reducing the sentence to ten days or a week. On the other hand, he had tried to get offenders sent to prison for a longer period than other magistrates were disposed to commit them for, viz., three months in some cases, and six in others.

Mr. Frederic Hill (Hampstead) observed that the subject had been before the Congress on several occasions, but, as little advance had been made, there was still a necessity for pressing it upon public attention. Ever since the principle of the Paper was enunciated by Mr. Baker, he had given his friend's views his cordial support; and he hoped that the Department would pass some resolution recommending the Council of the Association to deal with the subject. He concurred in Mr. Baker's opinion that in this, as in nearly all good penal legislation, the real interests of society, and those of the culprit, instead of being opposed, were the same. An intelligent father would desire for an erring and incorrigible child that which was required for an offender against the law; viz., to put him in a well-regulated asylum, where for a time he should be deprived of his liberty, and subjected to effectual training. That was a course which, while it tended to benefit the offender, also benefited society. Mr. Baker had mentioned cases where the number of times that the same individual had been imprisoned was so great as to appear incredible. But he could give an instance which would make a still greater demand on their power of belief. When he was Inspector of Prisons in Scotland, one of his first visits was to the prison of Inverness. There he found a woman who had been imprisoned so many times that the officers had ceased to keep a record of them. In prison, of course, she was obliged to be sober; but she was no sooner outside the walls than she fell into her usual habits, and was shortly brought back to the gaol again for drunkenness. The magistrates then paid her fare to Glasgow; but it was not long before she returned. Then they sent her off to America; but she once more came back to Inverness. She had reached the age of sixty, and a large proportion of her life had been spent in prison. After a careful calculation, he found that she must have been sent to the same prison no less than one thousand times. France furnished them with a lesson on this point. In that country there had been a great diminution in the number of beggars. They swarmed some fifty years ago, when he first went to Paris, and other places; but in his late visits he had scarcely seen a beggar: as a body, they had practically disappeared. Placing himself in communication with the authorities, he learned that beggars were dealt with exactly on the principle advocated by Mr. Baker. They were sent to what was called a 'hospital' (which he took to be only another

Digitized by Google

name for prison), and there set to work; the periods of detention being, in the first instance, ten days; in the second, a month; and in the third, six months. The consequence was, that the profession of the mendicant had been practically abolished. In conclusion he begged to move the following resolution:—'That the Council be requested to take into consideration the propriety of issuing a recommendation, in accordance with Mr. Baker's proposal, regarding cumulative sentences for minor offences at Petty Sessions.' Mr. Baker suggested that these words might be appended to the resolution:—'That, where an offence is proved and a previous conviction within twelve months is shown, the last sentence, whether fine or imprisonment, may be doubled'; and Mr. Frederic Hill having accepted the addition,

The President (Mr. Commissioner Miller) in seconding the resolution, expressed his belief that, nothing was so likely to check the spread of crime as a tolerably rapid cumulation of punishment, to be administered, while the offences were not of a serious character, and before the offender began to be reckoned an habitual criminal. With reference to transportation, he was one of the old-world people, who still held to it, provided a proper place were found for the purpose—the difficulty of finding which was increasing. It could not be denied that the most flourishing Dependency of the British Crown probably would never have existed—certainly would not have been in the position which it now occupied—if it had not been for transportation: he referred to New South Wales. The stoppage of transportation, though the step was taken at the request of the colonists themselves, had been the ruin of Van Diemen's Land. He did not see how labour could be done there without the aid of convicts. Deputations had urged the Colonial Office to send convicts to Western Australia, but their request had been refused. There had never been a greater mistake committed by the Colonial Office than when it declined to utilise convict labour in Western Australia, instead of sending the prisoners to Portland.

Dr. E. C. Wines (New York) expressed his satisfaction at listening to Mr. Baker's Paper, and at seeing a criminal administration, regarding higher offences, based upon the principle laid down by the author. He had recently witnessed the operation of that principle at Gloucester. In view of the meeting of the London Congress, he addressed a letter of interrogations to the various Governments, and one of the questions was to the effect, whether they found repeated short imprisonments, for minor offences, an effective measure for the repression, or diminution, of crime. Fourteen or fifteen Governments responded to the interrogatories, and almost, if not quite, uniformly; their answer to that particular query was, in effect, that such imprisonments were worse than useless, and that they tended rather to increase than diminish crime. The answers received from the different Governments were printed in the *Transactions* of the London Congress. It was now about seventeen years since circumstances led him to engage in this work of Prison Reform. He very soon saw that to make any impression upon this class of offences in the way of diminishing them, it would be absolutely necessary to increase gradually, and (as he had always contended)

Digitized by Google

rather rapidly the terms of sentence; for the reason that, when persons committed criminal acts repeatedly, and especially at short intervals, it showed a proclivity to crime which required to be checked, and which could be checked only by severe measures. To reform even a young criminal, time was an important element in the problem. Where an individual showed this proclivity to a criminal life, it was necessary, when the fact had been discovered, to retain him in imprisonment. Both the power and the taste for work must be produced, if you wanted to reform the criminal; and neither of these effects could be produced in a day, week, or month: a much longer time was required. There was no other way open by which to accomplish this object. Such was also the opinion, he believed, of nearly all the Governments represented at the Prison Congress. As to the extraordinary case mentioned by Mr. Frederic Hill, he had himself known prisoners sentenced a great many times for five days, ten days, or a month. In visiting at Kingston, Upper Canada, he found, on one occasion, an old woman, who seemed to be well disposed, and of mild and kindly temper; and, after some conversation, he learned that she had been frequently in prison. He said to her, 'My good woman, how often have you been imprisoned?' 'Oh, sir,' said she, 'the times are uncountable'—so many that she could not count the number. To such people it was an absolute mercy to imprison them for a long period; long enough, at any rate, to give them both the power and taste for industrial labour; and that could be done, especially when persons were young. Lastly, he could not but add one word of eulogy upon the county of Gloucester. He had often said to his countrymen that he believed England was the one country which had made an impression upon crime, so as to diminish it—that, for several years, there had been going on a process of diminishing crime; but, in this respect, no county could, in his judgment, compare with Gloucester. If he was rightly informed, there were, not more than thirty or thirty-five years ago, in the county of Gloucester, six or seven gaols, with a daily average of 800 prisoners confined in them: and the Home Office complained of the magistrates of the county because they had not greater accommodation for the prisoners, as the gaols were overcrowded. A generation had passed, and what did they see to-day? All but one of those gaols had been pulled down or devoted to other purposes; and the county gaol now contained, and was sufficient to contain, all who ought properly to be placed there, the average number of inmates being less than 200. The world, he thought, could not match that. Therefore the county of Gloucester was the pattern county, because of its successful efforts in the diminution of crime. There were three agencies which had been at work to produce that result. One element was the treatment of children—the child-saving institutions; the Industrial Schools, and Reformatories. Another was the friendly, and even kindly character of the police supervision, after discharge. The third, if not the greatest element, was the agency recommended in Mr. Baker's paper; the cumulation of punishment for repeated offences.

Mr. Barwick Baker desired to make a slight correction with respect to the Gloucester gaols. There had never been 800 prisoners in them,

Digitized by Google

but there was room for that number; and the Government found fault with the magistrates for not having built sufficiently for the accommodation required. Some of the gaols, however, were badly constructed, and ought not, therefore, to have been taken into account; but there was room for 660 prisoners, in as many certified cells. They were told that, within ten years, it would be necessary to construct more. Of late years, the number of prisoners had gone down to about 150; within the last 12 months, by one of those curious waves of crime which came over the country now and then, it rose to 250; but it was now considerably below 200, and would, he hoped, soon resume its normal reduction.

Sir GEORGE ARNEY expressed surprise that truths so obvious should not have been before communicated to the minds of the public, and, above all, to the Legislature. He had for years observed the futility of bringing up offenders again for the same offence (especially drunkenness). The public did not know that multitudes of cases of this character were dealt with in the large centres. This was not known to the public, because the *Times* and other journals could not find space to set forth the multitudinous instances of conviction. That would partly explain why the matter had not received more attention. Another explanation might possibly be that, in cases of drunkenness, there had been a question, long and anxiously considered, viz.: whether that class of offences might not be taken as the subject of exceptional treatment, committing the offenders to some species of reformatory established solely for the reformation of drunkards. At first Mr. Baker's proposals seemed to him to include indictable, as well as other, offences. Then, he thought the object was to inform the country, by legal enactment, of the various limits of punishment imposed; but, now, he understood that the resolution was limited to a recommendation to the Council that they should make such a representation to the Government as would appear proper and applicable to cases under this system of cumulative punishment, in cases of conviction.—The CHAIRMAN observed that cumulative punishment, at least of indictable offences, already existed in England.—Sir GEORGE ARNEY passed on to express the thanks of the Department for the able Paper. But he feared that the author had not sufficiently regarded the advice once given to a great judicial officer, before he undertook his duties, viz.: not to give too many reasons. 'Give your judgment,' said the adviser, 'and you are likely to be right. Give your reasons, and you run a great danger of being wrong.' The danger in the present instance was that of giving too many illustrations. He did not consider all of them apposite illustrations, as (*e.g.*) that of a barrister disbarred for winning the case of his client.

Baron DE FERRIERES (Mayor of Cheltenham) suggested that it would be well for those members who took a special interest in such matters, to turn their attention to the best mode of securing a similarity of conviction or punishment in Petty Sessions. The punishment allotted to criminals of the same class varied; partly because there might be found sitting on the bench, one day, a magistrate of a stern turn of mind, and the next day an easy good-natured magistrate. Un-

Digitized by Google

certainty of punishment at Petty Sessions was also owing much to the different views held by the clerks to the magistrates. With regard to the repression of mendicity, there was a fashionable watering-place where no beggar could be seen in the streets, because every vagrant was sent to gaol for twenty-one days. In Cheltenham, a beggar got no more than ten or fourteen days' imprisonment, and the consequence was that vagrants were constantly seen. If the punishment were increased, the number of such offences would soon diminish. If the Department was going to recommend cumulative punishment, to be given in Petty Sessional Courts, it was both essential and important that means should be devised by which similarity of conviction should be secured. It was worthy of consideration whether that difficulty might not be met, if the Home Secretary, acting under the advice of the law officers of the Crown, was to send down to the Petty Sessional Courts explanatory statements as to the way in which certain obscure passages in Acts of Parliament should be read by magistrates. The Education Act was interpreted in that manner by papers sent to School Boards from the Committee of Council on Education.

Mr. F. D. Longe (Cheltenham) said the Department ought fully to understand what was the class of cases, to which they would recommend this mode of punishment to be applied. It was an indication of the present state of crime, at which we had happily arrived, that prison reformers were discussing, with so much interest, what had, perhaps, been overlooked before as a subject of very little consequence. This class of offences was precisely that which comprehended those persons who, although unquestionably public nuisances, and proper subjects of reform, still kept clear of any serious crime: they got drunk and disorderly, and committed the same kind of offence over and over again. The same remark applied to vagrancy. In the time of Queen Elizabeth, an effectual stop was put to vagrancy by making it a capital offence. Experience seemed now entirely to favour an application of the cumulative system to punishment for small offences; but still some objections might be made to its adoption. One might be that, by inflicting upon minor offenders a serious punishment, they would be taken out of the category of a rather privileged class of prisoners, and made criminals of a worse class than before. This would convert what might be termed harmless criminals into a more dangerous and offensive class of offenders. Another objection might be raised, whether it would be quite safe to place the application of the preventive principle to small offences, in the hands of magistrates at Petty Sessions. Some magistrates were already so severe upon young offenders that the public sometimes fancied that great cruelty had been inflicted, and the Home Secretary was called upon to interfere.

Mr. Barwick Baker explained that his proposal was to refer the infliction of heavy punishment to Quarter Sessions.

Sir John Smale referred to the Criminal Code, and pointed out that, if the resolution were passed in its present form, a long interval would be left between what they were seeking to provide against, and what the Criminal Code was attempting to provide against. The Code contained a section on cumulative sentences. It was printed in

Digitized by Google

italics, and was, therefore, inserted with a view of being considered. The section ran thus:—'That when any person not undergoing punishment for any offence is convicted of two offences, for each of which he might have been sentenced to two years' imprisonment and hard labour, he may be sentenced, on the second conviction, to seven years' penal servitude in respect of the two offences.' According to this section in the Criminal Code, the punishment to begin with was two years, whereas Mr. Barwick Baker would commence with two months' imprisonment, for minor offences. An entire interval, therefore, was left between those two periods; and no attempt was made in the resolution to provide for it. The period did not go on doubling from the first, because it leaped from two years to seven years, from seven to fourteen, and so on. It was for the Department to consider whether that was not an imperfection in the terms of the resolution.—Mr. Baker explained that no gap was left, because the doubling would go on, *ad infinitum*, if it were possible; at all events it might continue to the end of a criminal's life. If it began with three days' imprisonment, the ninth conviction would be penal servitude, because it would be more than two years' imprisonment. There were two separate points involved; the one relating to minor and the other dealing with graver offences.

The President remarked that the Criminal Code no doubt dealt with cumulative sentences, but it dealt with none unless the first offence were of sufficient importance to warrant the punishment of two years' imprisonment. The resolution dealt with no offence unless the first one were sufficiently small to come before the magistrates in a summary way.

Mr. F. Hill suggested that they had better content themselves, for the present, with the measure in hand, and not run the risk of losing all by trying to carry the proposal as to two months.

Mr. Baker, in reply, referred to Sir George Arney's anecdote of the advice given by an old judge to a young one, and observed that the former must have been a very wise old judge, who had in view a definite object—viz., to get his salary with as little trouble as possible. If that was his object, the advice was wise; but if his object had been to lessen crime, he would no doubt have recommended the young judge to state his reasons as fully as possible, in order that the criminals might be able to understand his decisions, and thereby be prevented from committing future crime. Mr. Longe had spoken of the minor offences as consisting, for the most part, of drunk and disorderly cases, and of these as being matters of small account. But, in his own view, the total number of minor offences were doing more to injure the nation than the total number of indictable offences. He considered that the small offences did a great deal more harm to the country than the murders. Extensive drunkenness did far more to degrade the nation than a few murders. Mr. Michael that morning had justly said there was no one disease and no one crime that did not injure, more or less, the community. So great was the mischief done, that it was worthy almost of any measure to stop such a vast evil. He did not himself think there was any fear that, by stopping a person from

Digitized by Google

committing small crimes, they would drive him to great ones. From a lifelong knowledge of thieves, he held strongly to the opinion that cutting off smaller crimes would tend materially to lessen larger crimes, and to prevent them from spreading through the country.

Sir JOHN SMALE (who succeeded the president in the chair), in summing up the discussion, said the subject particularly affected the colony with which he was connected. Under Lord Carnarvon, the present Governor went out with directions to carry into force the very system recommended by the resolution. When the Governor first promulgated the suggestion, the magistrates were aghast; they were afraid that the power they possessed was to be taken from their hands, and that the Supreme Court would monopolise the satisfaction of convicting all the offenders. The first time the magistrates acted under that direction of the Governor, the trials at the Monthly Sessions rose from six, ten, or twelve, per month, to forty. It was said that the operation of such a principle would kill the Supreme Court. However, it survived, and by degrees the large numbers of men brought before it decreased. Then it was said, 'You must have a second prison.' Possibly that, for a time, was the course to which they would have to submit. With regard to carrying out the principle suggested, in reference to small crimes triable before police magistrates, the effect had been most salutary. There was one point affecting the administration of justice in England, which he thought especially deserved consideration—viz., that the Press dealt somewhat hardly with the magistrates, who received similar treatment at the hands of ladies and gentlemen after the latter had read the reports of, or comments on, proceedings in Petty Sessions. 'How cruel,' a lady would exclaim, 'to send the poor man to prison for so long a period for stealing an article of the value only of twopence!' The mistake which these critics made was that they took the simple punishment by itself, without all those accessories which, though unknown to them, were perfectly well known to the magistrates. It was of the greatest possible importance that the public should give the credit which was due to all persons presiding in Petty Sessions, whether those persons were stipendaries (who had been hardly hit by the Press), or private gentlemen who devoted so much of their time, voluntarily, earnestly, and willingly, to the public good. Whenever the principle advocated in the resolution was carried out, he hoped they would not show a sympathy with criminals which, he believed, was most injurious in its effects upon the administration of justice. Mr. Baker's Paper would doubtless be read with great care and interest, for it was full of detail of a practical character, and treated the whole subject in a concise way. It was not for him, as chairman, to say whether the principle of the resolution was right or wrong, though perhaps his views on the subject might be pretty well understood. There was an admirable observation of Dr. Wines which ought not to be forgotten—viz., that it was their duty to destroy the power and the taste for crime. This was a strong thought, happily and briefly expressed. He hoped that the opening address declared by Dr. Wines, as President of the Stockholm Congress, would be read by

Digitized by Google

everybody. It contained the most condensed and the best review of the progress of prison discipline; and every friend to the reformation of criminals would take courage from it. With reference to the resolution, it would not have been seemly for the Department itself to come to any definite decision on the subject. The better form was that adopted; the Department suggested to the Council of the Association the consideration of the question.

The resolution was then put, and carried unanimously.

The Prison Rules lately issued by the Secretary of State. By Frederic Hill.

THE Act under the powers of which the rules lately issued for the management of the ordinary prisons in England, as distinguished from the convict prisons, were framed is, in its principles, almost identical with the Bill which, by the direction of the Government of the time, now nearly forty years ago, I prepared for the management of the prisons in Scotland; where I then and for many years afterwards held the office of Inspector of Prisons, as also, during the latter portion of the time, that of a member of the General Board of Directors of Prisons; and although in its passage through Parliament the Bill was considerably altered, and, as I venture to think, injured, the main feature of management by the Government, acting through a body immediately responsible to it, like the present Commissioners, remained. If, therefore, I am compelled, in several important matters, to differ from the rules now under consideration, my doing so cannot possibly arise from any hostility to the Act on which they are based.

The time of prisoners being mainly employed in work, and work being the great means by which they can be trained to habits of industry and prepared to resist the temptations which will beset them on their liberation, I will first consider the rules coming under that head. The chief of these are the 24th and 80th of the General Rules; but these seem to me quite insufficient for the attainment of the great objects which should be kept in view, and to be mutually inconsistent; for while, by the 24th rule, penal labour, much of it wholly unproductive, is ordered, and that upon a large scale, by the 80th the governor is directed to 'take care that the labour of all the prisoners is made use of in such a way as to be of the best advantage to the public service;' an instruction which, taken literally and without regard to the trammel imposed by the 24th rule, would, I imagine and hope, cause nine governors out of ten to employ their prisoners wholly in productive industry, to the utter exclusion of labour which is unprofitable.

Digitized by Google

I had not long entered on my official duties in Scotland when I had the pleasure of seeing the only treadmill in that country pulled down; and, during the whole time of my inspectorship, while a great impetus was given to useful and profitable work, there was not the slightest return to work which is unproductive; though even such employment would have been better than the idleness which had previously reigned in almost all the Scottish prisons.

The measures to which I trusted for the introduction of useful labour into the Scottish prisons were, first, the appointment in each of a governor (where, as was generally the case, such an officer did not already exist), imbued with the great importance of useful labour; assisted by a body of subordinates, many of them having a practical knowledge of at least some one trade, and otherwise well qualified to carry his convictions on this subject into effect; and by perseverance I was able, in the majority of the prisons, even before the passing of the Act to which I have referred, to attain this object. After providing suitable officers, the next thing was to offer motives to the prisoners themselves to enter cordially into the scheme of work, though the very pleasure of useful occupation acted strongly, as I expected, in my favour. Beyond this pleasure, which, of course, could not be relied on in all cases, it was arranged that the quantity of food allowed to each prisoner should vary, as, indeed, the laws of health require, with the quantity and the nature of the prisoner's work. But further, to add a pecuniary interest, it was appointed that all a prisoner's earnings above the product of an allotted task (estimated at ten hours' fair labour) should be placed to the prisoner's credit; to be employed by him, under control, either towards the support of his family while he was in prison, to indemnifying the person whom he had injured, or in preparing a fund (this also to be spent under control) for buying tools and otherwise securing a good start on his liberation. These measures proved so efficacious that it became no unusual thing for a prisoner voluntarily to rise at four or five o'clock in the morning to get to his work. And in further illustration of the good effect obtained, the following anecdote may be given: On one occasion I found a little girl in the prison of Glasgow working hard to earn money for the double purpose of giving a small fund to one of her sisters, who was under sentence of transportation, and of buying some decent clothes for herself on liberation. With this object she had been rising sometimes as early as three o'clock; and at the time of my visit had, by her overwork, accumulated nearly a pound. At another time I found a little boy in the

Digitized by Google

same prison who had worked more than a hundred hours, in his own time, to gain a pound to send to his mother.

The following anecdote was given in a report to me by the governor of the Edinburgh prison: 'As an instance of the good effects of the kind provision made for industrious and well-behaved prisoners, by the 10th Introductory Rule, in allowing them a part of the profits of their labour, may be mentioned C. B., an engraver, sentenced by the High Court of Justiciary to two years' imprisonment for forging and uttering a forged note. During the latter part of his confinement he worked at his own trade; and earned, as his own share of the profits, the sum of 12*l.* 7*s.* 10½*d.* He had but a short time done with his apprenticeship when he was imprisoned, and was but an indifferent workman. He improved much in prison; which he attributed to the undisturbed attention which he was enabled, in the quiet of his cell, to give to his work. He expressed his conviction that the long sentence had been an advantage to him. The sum mentioned was applied in paying some small debts (contracted previous to his imprisonment) getting some good clothes, and procuring a passage to America. It would have been very difficult, if at all possible, for him to have got work again in this country, as his friends were unable to assist him; and had he been turned out without money, without character, and without heart, he would have been in very great danger of falling again into crime.'

In America the late prisoner led a useful and respectable life. And so much impressed was he with the benefit that he had derived from the change, that he wrote to Mr. Smith, the Governor of the Edinburgh prison, to offer to assist any other prisoner whom Mr. Smith might send out to him. A man who had evinced a desire to live honestly was, on his liberation, accordingly dispatched; and about a year afterwards Mr. Smith had a letter from this latter, stating that the person referred to above had received him kindly and obtained employment for him, and that he was doing well.

A still more striking instance occurred in the prison of Aberdeen, where a blacksmith, employed during his confinement (a period of two years) at his own trade earned, by overwork more than 40*l.*; 25*l.* of which he voluntarily paid to the person whom, by forging his name, he had injured, to that amount. Under the operation of the Scottish rules, a considerable class of prisoners, besides accomplishing the purposes enumerated, paid, by their labour, the whole cost of their imprisonment.

Except that by the 24th General Rule an opportunity is

Digitized by Google

given to every prisoner, after a certain period, to change his work from penal to industrial labour, and except that, on his liberation, a prisoner may still receive a gratuity, in no case exceeding 2*l.*, none of the motives I have named are, I regret to say, furnished by the new code of prison regulations; nor are there any others offered in their stead. Moreover, in practice, the proportion awarded even out of this small gratuity is much less than heretofore.

Against the principle of gratuities much may reasonably be urged; but surely on making an alteration approaching to their abolition, it becomes more than ever desirable to enable a prisoner, by his own efforts, to earn a fund on which to live while he is seeking employment and by which he may buy needful clothing or tools. Owing to the cutting down of the gratuities since the assumption of the management of the prisons by the Government, so much difficulty has been thrown in the way of The Metropolitan Discharged Prisoners' Aid Society, that, unless the fund on which we have hitherto counted can be made good by voluntary subscriptions, the Society will be so much crippled in its exertions that it will become a question whether it will be worth its while to continue to exist.

According to a report which lately appeared in the *Times* from a correspondent in Paris, in industrial employment the English prisons are much excelled by those of France, both in variety of work and in productiveness; nay, even Japan, which has so lately joined the community of nations, would appear, on this point, to be ahead of us; unproductive labour being there wholly rejected, and every prisoner being allowed a share of his earnings. The great obstacle which I experienced in Scotland to rendering work productive—an obstacle still existing there and elsewhere—was the shortness of the period for which most of the prisoners were committed; a period utterly inadequate for teaching a trade or any other useful service, or for training to habits of industry. But only let this bad practice be abolished (an evil as hurtful to the prisoners themselves as to the general community) and I see no reason why every prison in the country should not become nearly if not quite self-supporting; and, in addition, be made productive of funds which would be of essential service to the prisoners' families during the period of confinement and to themselves after their liberation.

On the high authority of Doctor Wines, I am able to state that besides many that are nearly so, not fewer than fourteen prisons in America are wholly self-supporting; viz., twelve State and two local prisons; and I am glad to add that several

Digitized by Google

of our own convict prisons are nearly self-supporting; while that at Chatham appears to be so entirely.

Self-support in prison will the more readily be felt to be practicable when it is remembered that the great majority of prisoners are at the best age of life for work; that, owing to good sanitary arrangements, they enjoy a degree of health at least equal to that of the generality of persons out of prison; that their food, while wholesome and sufficient, is simple and cheap; that luxuries, like intoxicating drinks and tobacco, are excluded; and that although to render a prison self-supporting the strong and hale prisoners must, by their work, make up for the feeble and sick, this is a burden far less in amount than that arising from families of children; from the cost of which prisoners, except as regards voluntary contributions on their part, are released.

Even if time admitted, which is not the case, I should not deem it necessary, before such an audience as I am addressing, to defend productive labour in prisons by arguments drawn from the science of political economy; though I may mention that in my third annual report (that for 1837), as also in my work entitled 'Crime, its Amount, Causes, and Remedies,' I have discussed this subject fully.

With regard to the allegation sometimes made, that, by the introduction of useful work, prisons may be made to attract instead of to repel, I beg to read the following extract from my tenth annual report:—'I believe the notion that the prisons in Scotland have, to a great extent, lost their penal character to be quite unfounded. On the contrary, I am of opinion, notwithstanding all that has been done to improve the condition of the prisoners, that to the really criminal in habits the prisons were never so much dreaded as at this moment. I attribute the mistake to the superficial view likely to be taken by anyone who walks through one of the present prisons in Scotland, and who does not take various matters into consideration which it is necessary to bear in mind. Such a visitor will see a number of people neatly dressed, clean, in small rooms certainly, but sufficiently warm, and tolerably well lighted, busily engaged at spinning, weaving, shoe-making, mat-making, knitting, sewing, picking old cords, and various other kinds of work; and in his round he will probably meet the chaplain and teacher, employed in exhortation and instruction. If he waits till dinner-time, he will see the prisoners get a meal of plain but wholesome food; and if he should possibly stay till bed-time, he may see them comfortably lodged for the night in their hammocks. And such a visitor may say to himself, on quitting

Digitized by Google

the prison, "Why, what is there penal in all this? These people are probably better fed, better clothed, and better lodged than they would be in their own houses, or than many an honest man is who never injured society! Such a system must act rather as a premium to crime than a terror to evil-doers."

'But let the visitor reflect that, first, as respects the honest workman, the prisoner has entirely lost his freedom, and ceased to be his own master; that he is not only cut off from family and friends, but that, generally, he is deprived of companionship altogether; that he must neither whistle, sing, nor shout; that day after day, and month after month, except at the interval of exercise, he is confined within the four walls of his little cell; Sundays and holidays affording no relief; the very changes of the seasons almost unknown to him; for all, at least, that he can partake of their charms. Let him think of this, and he will probably be of opinion that, though the prisoners were fed on turtle instead of barley broth, and slept on down instead of straw, there would still be few applicants among the honest working class for permission to occupy their places.

'And let the visitor further make himself acquainted with the habits of criminals, and with their ideas of comfort and luxury, and he will probably come to the conclusion that their distress must indeed be severe, and such as to make their being at large dangerous to all around them, before such persons would voluntarily enter a prison.

'For what, owing generally to wretched training, are the habits of criminals? Idleness, late rising, and indulgence in drinking, smoking, and gambling. And what regard is paid to these habits, however strong they may be, on entering a Scottish prison? Not the slightest. However great a sluggard, he must rise, the very morning after his admission, even in the middle of winter, when the clock strikes six. Then, although he would probably prefer remaining in his dirt to the trouble of making himself clean, he must immediately wash himself, and that thoroughly. So soon as that is done, he must, if he has been tried, begin a task of labour, with the prospect of losing his dinner if he be sullen and refuse to complete it. Should he ask for a companion, he will be at once refused. Between times he may wish to comfort himself with a pipe, or at least with a pinch of snuff; but no; the rules inexorably and most properly forbid all luxuries, especially such as foster habits of expense. At dinner he may ask for at least a little beer; but he is again refused; and he finds that, however much against his will, he has suddenly become a member of a total abstinence society. As for opportunities of gambling,

Digitized by Google

he has neither anything to stake nor any person with whom to play.

'When it is considered how painful an effort is generally necessary to break through a single bad habit, it may be judged how much a person under such circumstances must suffer;[1] and it will be seen that that which is pleasing to the eye of the visitor, and excellent in itself, is often obtained with much though necessary pain; and the delusion will be dispelled that the prisons have ceased to be places of punishment.'[2]

The last observation that I will make about work is that care should be taken not, by attendance at school, at chapel, at meals, or at drill, to cut up the time into shreds; since to be productive, work in prison, like work out of prison, must be continuous. With a view to the prevention of interruptions to work by instruction, I would recommend that the education of the prisoners, both secular and religious, be given, as far as practicable, in the evening and on Sunday.

By what I have already said it will be seen that I attach great importance to the selection and appointment of the officers of a prison. Indeed, its importance is, in my opinion, paramount; believing as I do, that better results are attainable under a good governor, aided by a good body of subordinate officers, without any code of rules either to guide or fetter him, than by the best possible body of regulations in the hands of a governor but ill or even indifferently qualified for his office. And in support of this view I would appeal to general experience. If any person present be acquainted with any prosperous enterprise, whether it be a railway, a bank, engineering works, or large factory, he will, I think, find that an able man has been chosen for the chief management, and power ungrudgingly placed in his hands. All who have read the life of Mr. Brassey, whose least merit was that he accumulated an immense fortune, must be aware that it was in this spirit that he carried on his vast undertakings—to take great care, that is, in the selection of the men who acted immediately under him, and then to give to these men very large powers. In a word, it will be seen that, great as Mr. Brassey was as a contractor, he was fully as great as an administrator.

The striking success of the expeditions to Abyssinia and

[1] An amusing illustration of the difficulty of breaking a habit was given in a conversation on the subject which I lately had with a gentleman of my acquaintance who enjoys all the advantages of self-control which can be afforded by high cultivation. He stated, that he had at three separate times tried, but in vain, to conquer the habit of snuff-taking; and that he would at that moment pay down a hundred guineas to be able to break through it.

[2] Tenth Report on the Prisons of Scotland, page 12.

Digitized by Google

Ashantee affords examples of the same principle in war. Indeed, without such trust as was reposed in Lord Napier and Sir Garnet Wolseley the great principle of individual responsibility cannot be brought into full play.

As bearing on this subject I may mention that in a conversation between Lord Napier and my brother, Sir Rowland Hill, the latter having asked whether, during the Abyssinian campaign, his Lordship had at any time entertained apprehensions of failure, the reply was that he had throughout felt no fear of the kind, provided that he was not interfered with; adding that (to the great credit, I may remark, of the Government at that time) no such interference took place. Holding these opinions, I cannot but regard the rule under which the subordinate officers of a prison are to be appointed by the Prison Commissioners as a grave error; and unfortunately this rule is embodied in the Prisons' Act, and cannot therefore be easily altered; though the evil may be much mitigated if the Commissioners shall think well, in the exercise of their authority, to act largely on the advice of the governors. In Scotland the subordinate officers were all nominated by the governor; and much of any merit that might attach to the prison management there was, in my opinion, due to this arrangement; an arrangement which, I grieve to add, is, by a recent assimilation of the prison law of Scotland to that of England, brought to an end. Independently, however, of the appointment of the subordinate officers, there are many ways in which the governor of a prison may be interfered with; and this in accordance with the new rules. But I would venture respectfully to urge that these powers of interference, whether by the Commissioners or by the Visiting Committees, be used as sparingly as possible; while, on the other hand, it is of high importance that there should be constantly maintained so vigilant and searching an inspection as will hold the governors to strict responsibility; and that no time be lost in removing such as are found incompetent.

In my own proceedings I relied principally on two means: first, making it practically felt that there was no hour, by day or night, at which I might not present myself at the governor's gate; and, secondly, requiring from each governor a monthly report, containing definite answers to specific questions; so as to give me in a short compass an insight into the working of his prison; insufficient or evasive answer (a rare occurrence) being promptly followed by a personal visit to the prison.

By the 69th General Rule it is directed that no subordinate officer shall unnecessarily converse with prisoners. Now, I can-

Digitized by Google

not but think that if officers be well qualified for their duties, the more friendly converse they have with the prisoners the better. In the Belgian prisons, which will compare advantageously with those of most other countries, that which is here forbidden is absolutely enjoined; the subordinate officers being called upon to assist, in this way, in every prisoner's reformation. Moreover, by the new rules visits of benevolent persons from the outside, if not wholly discountenanced, are put under great restrictions; whereas, if care be taken in the selection, visitors may render valuable assistance, not only by the exercise of a good influence while the prisoner is in confinement, but by the interest they are likely to take in him after his liberation. It seems particularly hard that Sunday visits should be almost entirely prohibited, since, if visits be likely to have a good influence, Sunday is surely the very best day for paying them.

With regard to the general discipline of a prison, I am of opinion—an opinion concurred in by the best of the governors who were under my superintendence—that while it is necessary to keep in reserve the use of fear, the chief reliance should be on hope. In this action the hearty co-operation of the prisoners themselves may, of course, be counted on; a co-operation without which there can be little expectation of real reform, but with which one is pulling with the stream instead of against it.

So far as hope is inspired by the rules regarding work I have already spoken; but in addition to this I set a high value, as I should think most persons would do, on the arrangement in convict prisons by which it is open to a prisoner by great self-control, industry, and exertion for moral improvement, materially to abridge the length of his confinement; and I see no reason why the same principle should not be applied in ordinary prisons; but for this, as the rules now stand, there is no provision. Neither is there any provision for the excellent system of 'intermediate imprisonment' introduced into the Irish convict prisons by Sir Walter Crofton; though I think its introduction into England highly desirable, and see no valid reason against its application to prisons of all kinds. In truth, now that all prisons are under the direction of Government, it seems unnecessary longer to maintain difference of treatment in any of them.

I am sorry that it has been ordered, as is done by the 19th General Rule, that convicted prisoners, during the first part of their confinement shall sleep on a wooden plank. Life in a well-regulated prison carries with it, as I have shown above,

Digitized by Google

so much that is disagreeable and painful as, according to my experience, renders artificial addition needless; as needless as it is sure to be irritating to the prisoner; who again, as he cannot possibly be convinced of its necessity, will be likely to take a hostile attitude, and to nurse a secret resolve to revenge himself, when released, on society. How different, under another system, may be the feelings of prisoners, is shown by the fact, recorded in my seventh annual report, that out of about fifty cases in which the then admirable Governor of the prison of Glasgow, Mr. Brebner, during the two or three previous years, had advanced small sums of money to liberated prisoners or become security for them, there were only two instances in which he had not been repaid to the penny; and again, by the fact that, on the occasion of Mr. Brebner's untimely death, there was not, during a whole fortnight, more than a single offence in the whole body of prisoners; while the female prisoners, according to the matron's report, were for a long time scarcely able to hold up their heads.

In a condemnation of artificial punishment, I need scarcely say that I include whipping and flogging, authorised by the 57th General Rule; and I may state, in support of my opinion, that during the whole time that I held the Office of Inspector of Prisons in Scotland—a period of twelve years—there was not a single punishment of the kind; temporary but complete seclusion having always been found sufficient; and that I do not remember a single instance of the governor of a prison expressing any desire for the use of the lash. Notwithstanding the non-use of flogging in the Scottish prisons, or rather concurrently with the non-use (for the facts are not, to my mind, in any way opposed) the whole number of punishments in those prisons was small; not averaging more than two or three per prisoner in a whole year; while the great majority of the prisoners passed their time without any punishment.

I may be forgiven if, for the more complete elucidation of the subject in hand, I add that during the time mentioned above, while there were in England several cases of tumultuous proceedings in prisons, requiring special inquiry, there was no instance of this kind in Scotland.

After so much of objection to the new code, we may turn with pleasure to the provisions of the 55th General Rule, which directs that no prisoner shall be punished until he has had an opportunity of hearing the charges and evidence against him and of making his defence; thus manifesting a spirit of justice and benevolence which appears in several other parts of the new code; nor least of all, in the 42nd General

Digitized by Google

Rule, which directs that every prison shall be provided with a library.

As regards a portion of the prisoners awaiting trial, the rules appear to me to be unobjectionable; and I am very glad to observe that, by the 17th rule, it is ordered that facilities shall be given to all untried prisoners to work and to follow their respective employments. But among those that are so classed there is another portion who cannot truly be called untried, seeing that on previous occasions they have been convicted; and who therefore should, I think, be placed on the same footing as ordinary prisoners, and like them *compelled* to work, as also to live on simple diet. The cost of their maintenance has to be borne by some one; and it is surely fairer that, as far as practicable, the burden should be on their shoulders rather than on those of the taxpayers. Seeing, too, that imprisonment for simple debt has been abolished, and that those now imprisoned for debt are persons who refuse, criminally refuse, to give up to their creditors what is their due, I see no reason any longer for having a separate ward for debtors. The old term 'unfortunate' as applied to debtors would now, as it seems to me, be more appropriately used when speaking of creditors. Even before the abolition of imprisonment for debt, I was sometimes assured, when visiting a prison, that some of the greatest rogues in it were in the debtors' side.

On the general subject of imprisonment before trial, I would express a strong conviction that its duration ought, as far as possible, to be shortened; among other reasons because during the interval the prisoner is in a restless state, ill-suited for moral improvement.

In a Paper which I had some time ago the honour of reading before this Association I urged an extension of the duties of the County Court judges by giving them a criminal jurisdiction; an alteration which among other ways might be turned to excellent account in reducing to a minimum the time before trial. In Scotland a corresponding body of local judges (those termed, strangely enough, sheriffs substitute) possess this authority, and use it with the best results. Such addition to their duties would, of course, imply an enlargement of their number; but surely the consequent expense would be wisely incurred.

While, as I venture to think, there is great room for improvement in the new rules for the regulation of the English prisons, it is encouraging to reflect that, as few of them are of Parliamentary enactment, they are, for the most part, susceptible of easy alteration; and with a view to benefit by the facility, I would respectfully suggest that, instead of prac-

Digitized by Google

tically condemning, as is done by the present rules, plans which either at home or abroad, but more especially at home, have been found to work well, these plans should be subjected to careful trial; one rule or set of rules being tried in one prison and another in another. Thus in some prisons let penal and degrading labour be dispensed with, substituting such work as is both useful and productive, and stimulating to industry by allowing a share in the earnings; in others let there be no artificial punishment; in others let there be given, with or without the encouragement mentioned above, the hope of comparatively early liberation as a consequence of well-doing; and in others, or in the same, let the choice of subordinate officers be placed, in effect, in the hands of the governor; or, where the prison is wholly for women, in those of the matron.

However desirable may be uniformity of prison discipline, it may be too dearly purchased; and any *régime* which would shut out careful experiment and improvement and be attended with Chinese fixedness would, indeed, be dear at any price. What seems to be the true course is to use the facilities which the new system affords for careful experiment, and then, as soon as any alteration of existing practice is proved beyond question to be good, to make such alteration general.

If fixedness had been the general rule, few of the great and valuable changes in the prisons of different countries to which the International Penitentiary Congress held, a few years ago, in London, gave rise, could have been adopted or even tried.

Since writing the above I have had the pleasure to learn that a committee appointed by the Chief Commissioner of Prisons to enquire and recommend on the subject of prison diet has made an able report, which, while suggesting a positive increase in nutriment, will probably lead to much economy; and it is with additional gratification that I find their recommendations agree, in the main, with a suggestion made by myself twenty-five years ago, to assimilate the prison dietary of England with that which experience has shown to be good in Scotland; a suggestion which, if then carried into effect, would have produced a saving of about 40,000*l.* a year; in other words, by this time a total of about a million sterling.

I may add that the dietary proposed by the committee, which is an approximation to the Scottish dietary, has been adopted; and that I am informed by Sir Edmund Du Cane that the reports on it are very favourable: a result which, when added to by more experience, will, I venture to hope,

Digitized by Google

lead to a yet further accordance between the prison dietaries of the two countries.

In a recent article in the *Times*, which, considering the position of that newspaper, both as an index of public opinion and as an instrument in its formation, must be cheering to all who have at heart the improvement both of our prisons and of our criminal law, the writer, not by way of discouragement, but merely in recognition of what he supposes to be a fact, states that reformation is a most costly work. So far, however, according to my observation, is this from being the case, that, as declared in one of my annual reports, if at the time I was writing, I had had to arrange the prisons in my district in the order of excellence, that is in their tendency to reform criminals and to prevent crime, I might, with general correctness, have placed them in the inverse order of expense; and I know no grounds for supposing that this rule does not still hold good. Indeed, a remark made by Dr. Wines in regard to the prisons in America which I have spoken of as self-supporting affords fresh evidence in favour of this rule; for he states that these very prisons are the best in the country and have the fewest recommitments.

Among the most important experiments that can be tried is that of voluntary agency applied to adults; an agency which, subject to an official report, from time to time, as to the practical result, has been so successful in the case of juvenile offenders.

It will be remembered that the great jurist Jeremy Bentham offered, about eighty years ago, to make such an experiment by taking charge, on certain terms, of a large number of criminals; but that the Government at that time refused the offer. And within the last few years a similar offer, though on a smaller scale, was made by that long-tried and earnest prison reformer (a member of this Association) Mr. Barwick Baker; but again was the offer met by refusal.

It is difficult, I think, to over-estimate the impulse to penitentiary improvement that would have resulted from the acceptance of Mr. Bentham's proposal, or that might still result from the adoption of Mr. Barwick Baker's; or, if advancing age now puts it out of Mr. Baker's power to undertake the task, a similar offer from some other man imbued with his noble spirit, but not labouring under the same weight of years. By such a trial a most wholesome emulation would be instituted between official and voluntary management; an emulation to the value of which not all the feeling in favour of official action engendered by forty years of Government service can make me blind.

Digitized by Google

MISCELLANEOUS.

Mr. H. W. FREELAND read a Paper on the 'Mixed Judicial Tribunals of Egypt, and the expediency of extending the system, or some analogous one, to the provinces of European and Asiatic Turkey.' The new tribunals had only been established experimentally for five years, during which time the Judges were irremovable. This period would expire in 1880, and it was therefore very desirable that public attention should be directed to such improvements and extensions as the system might require. The extension of the system to the European and Asiatic provinces of Turkey had been originally contemplated. He explained the composition of the three Courts of First Instance and of the Court of Appeal, in all of which the foreign judicial element preponderates. In each Court a foreign magistrate, elected by its members, presides. In the Courts of First Instance, five members—three foreigners and two natives—on appeal, eight members—five foreigners and three natives—constitute a quorum. In commercial suits two commercial assessors are required. The codes of law and procedure are chiefly French, and of the three judicial languages—French, Italian and Arabic—French is most employed. Mr. John Scott, one of the Egyptian Judges, thought that as the French Commercial Code dated from the commencement of the present century, and as England had more than half the trade of Egypt, it would have been an advantage to her and others if England's commercial practice and some more recent and more free commercial systems had received a larger amount of consideration. Mr. Scott proposed to substitute three for five judges to keep down arrears, and in commercial suits to call in assessors only when needed, and not, as now, in every case, however trifling. Sir Edmund Hornby, after twenty-four years' experience, had said that in his opinion the chief difficulty in administering justice in the Levant and China and Japan arose, not so much from diversities in matter of law, as from the difference in codes of procedure. It was procedure that wanted simplification. Mr. Scott and Dr. Dutrieux were of opinion that general criminal jurisdiction should be conferred on the new tribunals. He thought so too, and with reference to the state of things disclosed in the Report of the International Commission of 1869–70, was surprised that it had not been so arranged at the time. Dr. Dutrieux proposed that the seventeen consular jurisdictions should, so far as penal matters were concerned, be fused into one international tribunal, subsisting

Digitized by Google

side by side for the present with the new tribunals. Mr. Scott thought that the competence of the latter should be extended to disputes between natives, some of whom Dr. Dutrieux said assign their rights to get the benefit of the new system. Evidence should, Mr. Scott thought, be taken orally, and the necessity of a written judgment in every case, however trivial, should be dispensed with. These two improvements he (Mr. Freeland) thought indispensable. Dr. Dutrieux, he said, insisted strongly on the necessity of establishing a Court of Cassation as a check on the too great powers of the Court of Appeal, and objected to the exception in favour of consuls, particularly when they were engaged in trade. Mr. Freeland next noticed omissions in the codes as regarded patent rights and the freedom and offences of the press, which ought to be regulated by law. The intervention of the public ministry in civil proceedings should, he thought, be dispensed with. The position of the Viceroy and his property with respect to the new tribunals had, he believed, undergone a great change under the auspices of the Commission of Inquiry, of which Mr. Rivers Wilson and M. de Lesseps were members. He then referred to the return to power of Nubar Pasha, the author of the mixed judicial system, and he wished the new tribunals God speed. Referring to the expediency of extending the new system, or some analogous system, to the provinces of European and Asiatic Turkey, he paid a passing tribute to Midhat Pasha, the author of the Vilayet system, and of the Turkish Constitution, which he hoped to see re-established and accompanied by the appointment by the Sultan of a European Minister of Justice, or of an Ottoman Minister of Justice approved by the Great Powers. Such a Minister, Palace intriguers, women and eunuchs, and inmates of the Seraglio, who had been at the bottom of a very large proportion of Turkey's misfortunes, would not be strong enough to overthrow. After referring to the importance to every Government of creating a general impression of justice, he believed that on the establishment of a pure judicial system, well guaranteed, the purging of the Seraglio, the removal of Palace intriguers from access to the Sultan, quite as much as on the introduction of a Constitutional political system, depended the last hopes for Turkey's future.

DISCUSSION.

Mr. Edwin Pears (Constantinople) believed the Egyptian system would never be adopted by Turkey. The evils arising from separate consular jurisdictions had never been so great in Turkey as in Egypt,

Digitized by Google

and did not require so radical a treatment as that of transferring the judicial authority to newly-established courts with a majority of foreign judges. What was wanted was to raise the popular estimate of the administration of justice. His suggestions to accomplish this were—firstly, as Mr. Freeland had also suggested, that the Porte should, with the approval of the Powers, appoint a competent man as Minister of Justice for a term of years, but eligible for re-appointment; and, secondly, the establishment of itinerant Judges, who should be clothed with all the dignity possible, and who should enter into the country towns as the representatives of the Government, but unsuspected of being connected in any way with local jealousies or sympathies. What was wanted was to persuade people that the presumption was in favour of the honesty of the sentence given by the court.

Sir JOHN SMALE, Chief Justice of Hongkong, spoke of the delicacy and judgment with which all questions of extra-territorial jurisdiction should be handled, so as not to appear to dethrone independent Sovereigns or to degrade them in the eyes of their own subjects. The Japanese, he knew, were greatly averse to such jurisdiction. Too great liberty for the press was very dangerous in these countries, as it might run too readily into licence.

Mr. FREELAND, in reply, said that he was glad to have elicited a speech from Mr. Pears, whose experience as a barrister practising at Constantinople gave great value to his remarks. From the suggestion as regards itinerant judges he saw no reason to dissent. As regarded the remarks of Sir John Smale, he was well aware of the feeling of the Japanese and of other natives, having talked the matter over with several Orientals and with the members of the Japanese, Chinese, and Turkish Legations in London, as well as with Midhat Pasha and his secretary. What he said to them was, 'This extra-territorial jurisdiction of which you complain is a lever with which you may go as law reformers to your Governments and say, Improve your laws and procedure and bring them gradually into conformity with the laws and procedure of countries more advanced, and then you can with a good grace ask other Powers to surrender the privileges to which you object.'

The PRESIDENT observed that Sir John Smale's argument as to non-interference with independent Powers might easily be pushed too far, and that as regards the liberty of the press degenerating into licence, it was desirable that press offences should be corrected by process of law, as suggested in the paper read, and not by the intervention of arbitrary power.

Mr. ALFRED HILL read a Paper on 'Defects in the Law of Deeds,' in which he said the difference between the laws of England and Scotland relating to deeds was very great, and the advantage was in favour of the Scotch law, which required great care and precaution in the making and execution, but accorded to the deed a high privilege. A Scotch deed, however new, proved itself, *i.e.*, it was admitted by the

Digitized by Google

courts as *primâ facie* good. In England there was more laxity in preparation and execution, and unless a deed was thirty years old it required to be proved by evidence. The construction of deeds did not give rise to much difficulty, as the forms in use were thoroughly understood; but the interpretation of wills, in which testators use their own language, was a fruitful source of litigation. In England a deed must be 'under seal' —a useful security when few could write and sealing was a reality, but now a mere form, as any sort of mark was held to be a seal. Many deeds would be valid without signatures; some without a witness; others required two or three. Very often magistrates did not even impress their fingers on the marks printed as seals. The law as to alterations on the face of deeds had led to much litigation in England, but not in Scotland, where the law was far more simple. In England sheets and skins were not required to be connected except by their purport, and now the abolition of the progressive stamp rendered easy the fraudulent substitution of sheets. He would recommend that, except as regards corporations, sealing should be dispensed with, and deeds should be signed in the presence of two witnesses, who should sign an attestation clause, thus assimilating the practice to that of the execution of wills and Scotch deeds. The parties, or say seven of them, if there were more, should sign each sheet or skin; alterations should be made only with the pen, and should be mentioned in the attestation clause. The cost of preparing and the labour of perusing deeds might be greatly diminished by judicious legislation. In the absence of any expression to the contrary, the rights and duties of heirs, &c., might be assumed; a statutory interpretation might be given to certain short expressions, such as 'with cross remainders;' and certain well-known conditions might be declared to be legal incidents without being expressed. For the more usual deeds forms might be prescribed, the legal incidents and meaning of which should be declared by the statute, and thus much expense and some risk of error would be avoided.

Mr. H. W. Boyd Mackay, of Exeter, read a Paper on 'The Best Method of Formulating the Law.'[1] He stated that he had for many years been engaged in analysing the judicial decisions and statutory enactments with the view of discovering some principles on which the objects generally regarded as *desiderata* might be simultaneously attained, and that he believed he had at last arrived at a solution of the problem. He pointed

[1] See *Transactions*, 1875, p. 195; 1876, p. 300; also *Sessional Proceedings*, 1872–3, p. 311; 1874–5, p. 81.

Digitized by Google

out that a digest should combine a perfectly scientific character with a perfectly alphabetical form; and should present in detail all the material facts of each abstracted case, and yet present them in such a manner as should render it unnecessary for the reader to peruse any of them but those bearing on the matter he might have in hand. In explaining how this purpose might be accomplished he drew a parallel between law and the natural sciences, and pointed out that a much closer analogy exists between them than is generally suspected, and that his method might be advantageously used for the statement of any branch of science. He also severely animadverted on the waste of energy in the preparation of legal instruments which the present state of the law renders necessary, and expressed an opinion that the clauses which are now usually inserted in such instruments might and ought to be formulated into rules of law operative under the same circumstances under which they are now adopted as express stipulations. In conclusion, he expressed a hope that the Government would see the wisdom of expending a small portion of the public money on the preparation of a code which should embrace not only the judiciary and statute law, but also the common forms of conveyancing, and thereby save to the profession the great expenditure of time and energy, and to the public the great expenditure of money, which the present intricate and antiquated state of the law renders necessary.

Mr. J. Quail read a Paper on 'The Vivisection Act, 1876.'[1] He said: The 'Cruelty to Animals' Act, passed in 1876 for the regulation of vivisection, has not effected a satisfactory settlement of the question, but only re-opened it afresh. The Bill as originally introduced into the House of Lords was more in accordance with the recommendations of the Royal Commission on Vivisection than the Act as passed; but the Government showed much vacillation in their conduct of the measure, and altered its provisions to please a section of the medical profession, many of whom had already approved of it as it originally stood. Very strong dissatisfaction has been expressed in various quarters against the present Act; and a vigorous and growing agitation has sprung up against it. The Act fails to effect its professed object of 'providing safeguards against painful experiments upon living animals.' It is a double-faced measure, containing provisions inconsistent with each other and with the preamble. The intent of the main

[1] This paper has been published in a pamphlet form by W. Walbrook, 180, Brompton Road, London.

Digitized by Google

clauses is negatived by their restrictive sub-sections. Instead of extending the law on cruelty to animals to the case of animals subjected to painful experiments for scientific purposes, as it professes to do, it withdraws such animals from the protection of the law, and delivers them over to the tender mercies of men, among whom the Royal Commission said it was not to be doubted inhumanity was to be found. The Act provides that vivisections shall only be performed by those who obtain licences from the Secretary of State. By Sec. 1 of Clause 3, vivisections are only to be performed for the purpose of new discovery, but Sub-sec. 4 allows of certificates being given for vivisections for testing previous discoveries. This permission virtually annuls the other, and covers any experiment a licensed vivisector may choose to make. It will legalise most of the vivisectional excesses detailed before the Royal Commission. Sec. 3 requires the use of anæsthetics, and Sec. 4 that the animal shall be killed before recovery from the anæsthetic. But the evidence of Sir William Fergusson and others prove that anæsthetics cannot be relied upon in severe or protracted experiments. Also that experimentation under anæsthetics as a rule is valueless, as animals must be in their normal condition before true results can be obtained. (This fact also reveals the underlying fallacy of vivisection, since no animal can be in a normal condition when undergoing an experiment; hence the misleading and contradictory results of the practice.) Accordingly, Sub-secs. 2 and 3 provide for certificates being granted allowing vivisection without anæsthetics, and relieving the operator from the necessity of killing animals before recovery from the anæsthetic when one is used. These two subsections open a door for the most hideous tortures in the repertory of science. A number of illustrations are given in the Paper from the evidence of the Royal Commission and from scientific reports of the sort of cruelties that are legal under these provisions. The condition on which the certificates are granted to licensees only involves a matter of opinion, and offers temptations to casuistry, in the display of which, according to the testimony of more than one witness before the Royal Commission, many of our eminent scientific men are most accomplished. Sec. 5 provides that experiments shall not be performed in illustration of lectures—a very salutory provision, as there was a concurrence of medical testimony before the Royal Commission in regard to the demoralising effects of accustoming students to vivisectional illustrations. But by Sub-sec. 1 of this clause certificates may be obtained permitting vivisection in illustration of lectures, thus doing away with the safeguard

Digitized by Google

provided by this clause, just as the other safeguards against cruelty in the Act are annulled. Although anæsthetics are compulsory in vivisectional illustrations of lectures, the evidence already referred to proves they are of little use as preventives of torture. Sec. 5 exempts the higher domestic animals from vivisection; but again the inevitable sub-section permits of certificates being given allowing such animals to be used. Thus are all the main provisions of the Act rendered nugatory by the sub-sections. The great defect of the administrative portion of the Act is that its chief provisions, such as those in regard to the place where the experiments are performed being registered and open to inspection, and others, are all permissive, and need only to be put in operation at the pleasure of the Secretary of State. The Royal Commission insisted upon such provisions being made compulsory, and Lord Carnarvon twice declared he would not alter the main provisions of the measure, of which the above were two; but the Government altered them while the Bill was passing through the Commons, and now these regulations are only permissive. The Act in these and other respects enumerated allows too much power and liberty of option to the Secretary of State. He may license whom he pleases, and allow them to carry on their operations in private, exempt from inspection; and give the licensees *carte blanche* to revel in torture. All of her Majesty's Secretaries of State also have the same power; there is nothing to prevent any of them exercising it. The licensees' names are kept secret, and no one can institute proceedings against a licensee without the written consent of a Secretary of State. A valuable piece of private patronage is thus placed in the hands of the Secretaries of State, who may, if they please, use it for party or personal ends; for the Act being a secret licensing Act, the administration of its patronage is withdrawn from public criticism. By the secrecy in which its operations are enshrouded, and the consent of the Secretary of State being necessary to the prosecution of licensees, insuperable difficulties are interposed to obtaining any conviction under the Act. Detection and punishment of breaches of the law by fully empowered vivisectors, who operate in private and enjoy immunity from inspection, are made practically impossible. The Act really provides no safeguards against cruelty on the part of licensed operators. It only prohibits vivisection by unlicensed persons, and public exhibitions of vivisection. But the greatest cruelties on record, such as a number of those related to the Royal Commission, have been performed by qualified vivisectors who may obtain licences, and whose inhumanity the Commission con-

Digitized by Google

demned. Unqualified vivisectors did not need a new Act, as they could be prosecuted under Martin's Act; but this Act creates an exemption from the provisions of that which never existed before, in favour of the licensed physiologist. It was the ruthless tortures of qualified vivisectors, as detailed in their works and reports, which roused public opinion and called for the Royal Commission. That Commission proved the truth of most of the charges made against them; but the Act which has resulted from its labours simply legalises the cruelties they may perform when licensed. Hence the Act is not based on the ground laid down by the Royal Commission that, 'where the pursuit of science and common compassion come into conflict the ends of civilisation and morality require us to be guided by the latter and higher principles.' Considering the cruelty and moral wrong involved in vivisection, and its unsatisfactory results—many eminent scientific authorities declaring that no benefit to mankind or science has resulted from it, but only error and confusion—no measure can be deemed satisfactory which stops short of 'putting an end to all experiments involving not merely torture but anything at all approaching thereto.'

Captain AMYATT E. AMYATT, Chief Constable of Dorset, contributed a Paper on 'Repression of Vagrancy.'[1] He said the difficulty of dealing with this question is proved by the failure of the efforts for its repression in nearly all European countries, and in our own land, where the evil still exists, despite more than a dozen Acts of Parliament, commencing with the Statute of Labourers in the fourteenth century down to the Vagrant Act of the present day. These measures have proved ineffectual because of the general feeling of sympathy for wayfarers which runs counter to them, and it appears now to be recognised that vagrancy will never be effectually dealt with except by repressing thoughtless benevolence, which tempts it. Hence the formation of County Mendicity Societies on the Dorset system, which ensures bread to all wayfarers, and cuts off the gifts which encourage the professional vagrant. In Dorset the effect has been to reduce vagrancy during the past eight years by 60 per cent., and vagrant committals by 63 per cent., the average expenses being 75*l.* a year. The same system has been carried out with success in Kent and Herefordshire, and its adoption is proposed in Bucks, Northampton, Leicestershire, and other counties. Other schemes

[1] See *Transactions*, 1867, p. 232; 1868, p. 353; 1871, p. 550. This paper is published separately by John Foster, Dorchester.

Digitized by Google

have the serious defect that they do not touch the action of the public; wherein lies the real encouragement to vagrancy, as proved by the fact that out of 36,000 vagrants and tramps in England and Wales, 6,000 only were in vagrant wards, the remainder being entirely maintained by the public, and the amount thus diverted from real objects of charity to support an army of idlers must, on the moderate calculation of one shilling a day, exceed half a million a year. The adoption of the Dorset system, which gives food to the needy and checks this indiscriminate almsgiving, would be materially aided by the general appointment of the police as assistant relieving officers, the division of all casual wards into separate sleeping cells, and the registration of professional beggars. Do what we may, we can never expect to see vagrancy cease out of the land, and in such times as the present it is certain that there will be a considerable increase; but it is our interest and duty to use every endeavour to reduce the number of those who, aimlessly wandering from town to town, from village to village, prey upon society, especially upon its poorer members, and are a positive nuisance, and possible criminals.

Digitized by Google

EDUCATION.

FREE PRIMARY SCHOOLS.

Is it desirable to establish Free Primary Schools throughout the country? By JESSE COLLINGS, Alderman, and Member of the School Board, Birmingham.

THE principle of free schools has been a subject of discussion in almost every country which has attempted to secure a national system of instruction for the people. It has been finally adopted by many European nations, by the most important of our colonies, and by the United States of America. In the latter country, which is perhaps the most alive to the necessity of popular education, and most active and liberal in its support, all parties are united in declaring that it is impossible to have a really effective system of instruction except by means of free schools. This opinion is held not only by all political parties, but by all religious sects, with the exception of the Roman Catholics, who, as a body, stand alone in their fear and dislike of free schools.

In England also we have practically admitted the principle, and have gone a long way on the road towards free education, by demanding from the pupils only a small portion of the total cost of instruction in our elementary schools, and in the case of a certain class of children remitting the fees altogether.

Such being the state of the question, it lies with the advocates of the present system to show why schools should *not* be free, rather than with the friends of free schools to defend, and plead for, a principle which has been approved and adopted by those countries which are foremost and most successful in the education of the people.

Throughout this discussion we must remember that by the word 'free' we mean nothing of an eleemosynary character, but simply the non-payment of fees by children who attend

Digitized by Google

schools. It is important to remember this, as the free school is often discussed as though, by some means not explained, it was a kind of charitable institution.

Neither is it a question of expense. Were we to adopt the free system to-morrow, the cost of the schools would remain the same. It is the fair distribution of such cost we have to consider.

Under our Education Act of 1870, this cost is provided for mainly from our rates and taxes and partly from school fees. Thus we find that parents who bear their share of the taxation —local and general—out of which our national schools are maintained, are further taxed in the form of school-fees for children whom they may happen to have at school. I contend that this is unjust. If elementary education were a private concern, doing good to the children alone, and having no aim or reference to the benefit of the State, then the parent should not only pay fees, but ought in justice to pay the whole cost of instruction. In such a case it would be simple injustice and spoliation to tax me or anyone for the education of another man's child.

But the one great plea for national education is that it is a State necessity, that there is the gravest danger to the whole community in allowing children to grow up in ignorance. Both at home and abroad this feeling finds almost universal expression.

Daniel Webster, in his remarks on the policy of free schools in America, says:—'We regard it as a wise and liberal system of police, by which property and life and the peace of society are secured. We seek to prevent in some measure the extension of the penal code by inspiring a salutary and conservative principle of virtue and knowledge at an early age.' It was this view of the matter which led some of the most wealthy inhabitants of New York a few years ago to petition the State for a law to tax property for educational purposes. They expressed their conviction that 'it is unsafe to live in a community whose children are suffered to grow up without education.' It is the same feeling which leads the Swiss people to regard the free public school as their first and best possession, and to spend more money on it than they spend on their army. Sir Charles Reed conveys the same opinion in the following words, which he quoted in his speech to the School Board a few weeks ago:—'An education rate is in the nature of an insurance against future and menacing evils, which we ought to be very well content to pay. It is a charge every penny of which can and ought to be expended

Digitized by Google

to profit. Every child we educate who would otherwise be left in ignorance is a direct gain to the community.'

I think I may assume that we are all now agreed that our happiness and prosperity, our security, if not our very existence as a foremost nation, depend in a large degree on the general education of the people. It was this universal conviction which led us to endeavour to establish a national system of schools by the Act of 1870. On no other grounds can we for a moment advocate or justify the compulsory clauses with the powers of fine and imprisonment which the Act contains.

To punish a man by fine or imprisonment for doing, or leaving undone, that which affects his own pleasure or convenience alone would be an act of oppression, but the right will be admitted to punish him for doing or leaving undone that which affects the well-being and security of the whole community.

Admitting then, first, that popular education is a State necessity, a question of police, and that therefore the State has a right to compel every child to receive instruction, then it seems a natural and desirable sequence that all schools and teaching should be provided by the State, and paid for out of the public purse. To compel a child to enter a school for the public good—the only ground of compulsion—and then to meet him on the threshold with a demand for payment, seems to me like asking a policeman or soldier to pay a portion of the expense connected with his office and duties. Instead of demanding payment it would be far more reasonable to *pay* the parents a certain weekly sum for every child at school.

I conclude, therefore, that, on the grounds of consistency and common fairness, any elementary school system instituted by the State, and supported by taxation, especially if compulsory attendance forms a part, should be absolutely free.

Having looked at the justice of the case we may consider for a few minutes the policy and expediency of making the schools free.

I think that if in 1870 there had been a clear ground, and that we had touched this question for the first time, we should have followed the good example of other nations, and have adopted a system of free education. But the ground had already been partially covered by the denominational system, and there was, and is still, a strong conviction that 'free schools' would act adversely to that system. Whether they would or would not does not affect the question, but doubtless much opposition arises from the feeling that they would.

Digitized by Google

Now in this discussion I wish to address my arguments to those who do not desire this or that system to be supported, except on the ground that it will in the quickest and most effective manner secure elementary education to the children. There are those who hold, and sincerely hold, that mere instruction, as they term it, is of secondary importance, and who regard the school as a convenient and proper medium for theological teaching. To such as hold these views I can only say, that no body of men should be regarded as having any vested rights in the education of the people, nor should any theological or political teaching whatever be allowed to children who are compelled to attend elementary schools, supported, or partially supported, from the public purse. I am bound to touch on this, because I recognise here one of the chief difficulties in the way of the free school system. The education of the people is a great national duty, and the consequences of the neglect of this duty are so disastrous that its performance ought not to be delegated to any religious or benevolent association, however worthy. It can only be effectively and justly discharged by the people themselves.

Another important argument in favour of free schools is that the difficult question of compulsion, respecting which there is still so much difference of view, would, by their adoption, be made a very easy and simple matter. No doubt compulsion, to a certain extent, would have to be used under any system, but free schools would so largely increase the willing attendance that it would only have to be exercised in the case of the most neglected children. This increased attendance would be naturally expected on the reduction or abolition of fees, and experience proves that such is the case. In Birmingham the reduction of fees from 3*d.* to 1*d.* in any school has been invariably followed by a large and immediate increase in attendance, and that, as far as can be ascertained, without lessening the attendance at other and surrounding schools.

Mr. McKenzie, formerly Prime Minister of Canada, in a speech on the subject, declared that, through the schools being free, it had been found unnecessary to enforce the compulsory bye-laws which had been made. In America the results, as regards attendance, of making the schools free have been something marvellous. The 'New York State' report (1874) says that 'the statistics for the year are distinguished by the unprecedented aggregate and average attendance at the schools, which exceeds that of any previous year by several thousands. This is not a spasmodic increase, but is the product of an uninterrupted growth that has characterised the returns each

Digitized by Google

year since the schools were made free. The free-school system, inaugurated in 1867, has been so successfully vindicated by its results that it may be deemed secure. Under its operation the aggregate yearly attendance of pupils at the public schools has increased nearly eighty-two thousand, and the average daily attendance nearly eighty thousand.'

The 'Connecticut report' for 1870 states that the 'free school law has accomplished more than its friends promised for it. The actual results of the first year's trial show the wisdom of the law. They show that nearly six thousand children were kept from school by the rate bills.' The increase in the attendance in the year previous to the adoption of free schools, was only 432, while the report of 1871 says that 'the increase in the whole number registered the first term of free schools, as reported last year, was 6,208; and for the corresponding term now reported 5,744, or an increase in two years of 11,952. How beneficent that legislation which has led nearly 12,000 children to school, and thus to a higher future!'

Similar testimony is given in the reports of Michigan, New Jersey, and other States: all showing the remarkable improvement in the attendance, resulting from the adoption of the free school system.

We know that, as a principle, payment means limitation; and we may safely conclude that it acts in this direction with regard to school attendance. To quote an American statement, 'it repels attendance by taxing it.' I therefore claim for free schools the great merit of reducing to a minimum the necessity of exercising compulsory powers.

It is strongly urged against free schools that they are degrading, and that they tend to pauperise the people. It is a strange argument when applied to schools for the support of which all are taxed. Already more than two-thirds of the cost is paid for out of the public purse; and it seems absurd seriously to argue that children or parents can be degraded or pauperised by paying the remaining portion of it from the same fund.

The argument is more applicable to the present system. Large numbers of well-to-do people now pay 3*d.* per week for an education which costs 9*d.* or 1*s.* These people can better afford to pay 9*d.* or 1*s.* per week than others among the poor can afford to pay 3*d.*, and yet they are not required to do so. The argument is really applicable, though I have not heard it advanced, to denominational schools, which are partly supported by private subscriptions, and which, therefore, partake of the nature of charity.

The free grammar schools, whatever else they did, have not

Digitized by Google

pauperised the middle classes. The real degradation is in the present system of compelling poor parents to appear before a board to reveal their poverty, and appeal as paupers for the remission of fees. Those of us who, as members of a school board, have listened to those appeals, know what humiliation is attached to them, and how painful is the process. We know that many parents will keep their children from school as often and as long as possible rather than submit to it. Others, again, resort to subterfuges and false statements in order to have the fees remitted, and it often happens that the ages of the children are falsified in order to keep them at the 1*d.* fee as infants as long as possible. The incidents of such applications are degrading in the extreme, and are such as should never be allied to the question of education. It lowers the notion of national education by allying it with pauperism. It divides the people into classes, tickets the child of the poor on his entrance into a school with a badge of poverty, and tends to destroy that self-respect which it should be the first care of education to guard.

I will only allude to the difficulty of deciding who can, and who cannot afford to pay. The condition of a large number of the poorer classes changes rapidly—to-day they can afford to pay—to-morrow, through sickness, loss of work, or other causes to which they are subject, they are penniless. It is impossible to adopt any standard, or draw any line, without inflicting hardship on those who are just below that line, and especially on those referred to by Bishop Fraser, who are 'too poor to pay the fees, and too proud to own it.' Again I refer to the American experience on this head. Mr. Shippen, when President of the Philadelphia School Board, in a letter written to a friend in this country, warns us against such a system as our present one. He says:—'The experience of all educators and legislators in this country confirms me in my judgment of the utter uselessness of legislation for classes in public schools. We built our system on pauper laws. We practically divided our people into classes, and just so long as these foundations lasted was the system a failure. This is not only the experience in Pennsylvania, but of every other State which adopted the same discriminating principles.'

We may illustrate the principle by means of our free libraries. These are open to all, supported by the rates, and absolutely free. I have been for many years Chairman of the Birmingham Free Libraries, and I know there are many well-to-do people who habitually visit and use these libraries. Their self-respect is not touched, they are not degraded by having

Digitized by Google

free reading rooms provided, and the free loan of books. These advantages are provided for all, and for the use of al regardless of the condition of any. But apply for a moment the principles of our present school system. First tax the people for the support of the libraries, and then demand payment for their use, offering a free ticket to those only who could show they were too poor to pay the entrance fees. You would by these means most surely detract from the popularity and impair the uses of the libraries, and would degrade the poor who used them.

Another argument against free schools is that they would largely increase the cost of education. This only means that the amount paid from rates and taxes would be larger; the cost, as I have stated, would remain the same.

Bearing in mind the purposes and the interests for which national education is demanded, it seems altogether right that this increased demand from the public purse should be made. The cost of ignorance, pauperism, and crime falls on the nation generally, and surely the cost of all attempts, whether by the police or by the school, to remove the causes of pauperism and crime should come from the same source. It is quite certain that no money can be better invested, and every nation is finding out that all moneys paid for the education of the people are over and over again repaid, by decrease of crime, by improved morals, better health, increased powers of production, and by the many other ways in which the absence of criminal classes benefits and enriches a community.

Besides, the actual extra cost in making all schools free would not be large. The income for the London School Board for the last year was: from Government grants 91,331*l.*, from the rates 506,306*l.*, and from children's payments 55,813*l.* In England and Wales the income for the year 1877 for all elementary schools (both board and denominational) was: from endowments 112,478*l.*, subscriptions 786,245*l.*, local rates 447,710*l.*, Government grants 1,313,576*l.*, and from school pence 1,138,270*l.* Taking the board schools alone, the income was: from rates 447,710*l.*, from Government grants 219,918*l.*, and from children's pence only 195,768*l.*

If we take the town of Birmingham, which is second to none in the just and effective manner in which the work of elementary education is carried on, we find that the income for the board schools for the year 1877 was: from Government grant (1876) 6,332*l.*, from rates 19,217*l.* (considerably increased since), and from school fees 5,186*l.* So that we find that an addition of considerably less than a penny to the rate

Digitized by Google

would make all the Board schools, both in Birmingham and London, absolutely free; while for something between an additional 1¼*d.* and 1½*d.* rate, the whole of the elementary schools in London could be made free, and less than an extra 2*d.* rate would relieve the whole of the children of Birmingham of school fees. I do not know if this slight increase to the rates would be resisted as far as London is concerned. But I feel sure that the leading provincial towns, if once convinced that the interests of education would be served thereby, would cheerfully tax themselves to the required amount. A fairer and better way, however, under our present methods of rating, would be to meet the expense by increased Government grants. In this case about 1*d.* added to the income tax would make all the schools in England and Wales absolutely free.

But we are entitled to claim a large reduction in the actual value of the comparatively small amount of school fees. For instance, take the large extent to which it is necessary to enforce compulsion under the present system. Sir Charles Reed describes it as 'very costly,' employing eleven superintendents and 208 visitors, at a charge of 26,623*l.*, in London alone. A considerable part of this amount would be saved by the willing attendance in free schools. Again, I find that in London the masters and mistresses are responsible for the regularity of the children; and in every school a considerable part of their time and attention (that is, the most costly teaching power) is taken from the work of instruction by looking after the children, and in the tiresome and difficult task of attending to and collecting school fees. Further, in the London schools, according to Sir Charles Reed, 'elder children are sent to look up absentees.' These elder children must of course be deprived of instruction themselves while so engaged.

These, and other drawbacks, inseparable from a paying system, considerably reduce the value of the school fees received.

But all arguments against the cost of education seem poor when we contemplate the results.

In the speech of Sir Charles Reed to which I have referred he states that the London School Board alone up to Midsummer last had taken off the streets '8,500 homeless and destitute orphan and lawless children.' Side by side with this is the fact that in the whole of London during the year, only 294 boys and 60 girls under 16 years of age have been arrested on suspicion. There is also a statement of the Governor of Newington County Gaol that juvenile prisoners have gradu-

Digitized by Google

ally diminished in number from 367 in 1870, to 146 in 1877, and a report from the Governor of Holloway Gaol, that in the corresponding week (October 3) there was in his charge but one girl of school age. I need not enlarge before this audience on the meaning of these facts.

Were a mine of gold or silver to be suddenly discovered in this town, how quickly would companies be formed, money be forthcoming, and means taken to develop the hidden treasure, and yet how poor such a discovery would be compared with the power, capability, and riches lying hidden and trodden down in that mental mine of 8,500 'homeless, destitute, orphan and lawless children' which till recently we have had in our midst unprized and uncared for. If the extravagant and wasteful expenditure of public money we have witnessed of late had been laid out in education it would indeed have redounded, not only to the profit, but also to the honour and safety of the country.

In America the expenditure on education was doubled during the ten years 1850–60, and almost trebled during 1860–70. In the report of the City of Boston for 1877–78 I notice that the total ordinary expenditure on the public free schools for the year was 316,423*l.*; for building new schools for the year, 34,865*l.*, making a total payment, on account of schools for the year, of 351,287*l.* in a town with a population of about 350,000. But I will not waste the time of the meeting by dwelling longer on the question of cost, as it ought not to be seriously advanced by educationists against any change which will secure more effectively the object in view.

I have now touched, somewhat rapidly, on the leading advantages of, and objections to, free schools. I have endeavoured to maintain that the principle of free schools is firmly established in all countries where the education of the people is successfully carried on. That, as a matter of justice to the parents, schools should be free. That free schools reduce to a minimum the necessity of compulsion. That they would not impair the self-respect of the parents and children, but would on the contrary do away with those features in our present method which tend to pauperise and degrade the poor. And while generally more effective they would cost the nation but little more than the present system.[1]

I would ask in conclusion that in this discussion all prejudice or pre-judgment with regard to any particular system be discarded. There can be no higher or greater aim to engage

[1] For information respecting Free Schools in America, see *The Free School System of the United States*, by Francis Adams, published by Chapman and Hall.

Digitized by Google

a nation's attention than that of the education of the people. It holds every other question in its hand, and the nation which neglects it is not secure either socially or politically.

I need not say a word about the value of education to the individual. I could only utter what would happily be regarded in a place like this as superfluous commonplaces. I will but remark that were it possible for any one of us at this moment to be offered riches, honour, and every advantage possible, on condition that we should give up our powers of reading and writing and all that is connected with such powers, we should reject the proposal with scorn. That which we regard therefore as above all money, and above all price for ourselves, we should endeavour by the quickest and best means to secure for others, regarding not our own prejudices, or our own wishes, but simply the interests of the children in this respect. This done I feel sure that the feeling in favour of free education, which is growing so rapidly, will still more rapidly increase, until in this country as in others it will be seen that the 'Free Elementary School' is the best, fairest, and most permanent basis for national education.

On the Same. By Rev. W. J. Kennedy.

On receiving a request to read a Paper on the above-named subject I wrote to several friends and acquaintances who all belonged, as I knew, to what is called the Party of Progress, in hope of getting at all the real pretexts for so bold an innovation. I was pleased to find how most of these strong Liberals, even the republican theorists, repudiated any sympathy with the proposal.

One friend, a disciple of John Stuart Mill, denounced the proposal heartily, complaining that the artisan class was already unduly favoured.

Another correspondent, an admirer of Lassalle and Socialist theories, did indeed tell me that Free Schools, along with Free Dining Halls, and the provision of cheap dwellings by the State, and so on, were primary articles of his creed.

But from one correspondent only, belonging to what is called the Birmingham School, did I get the enlightenment which I needed. The gist of all he said may be comprised in two points:—First, That by free primary schools it was proposed to get all children into school, by thus rendering compulsion legitimate and feasible; and, Secondly and principally, That, by thus bringing all primary schools under the rate-

Digitized by Google

payers, the schools would become secular, and the influence of all religious ministers would be got rid of, and especially (he added) the influence of the Roman Catholic clergy and of the clergy of the Church of England.

In the course of what I have to say I propose to reply to these two points just mentioned, and to offer a few reasons for deprecating the imposition upon us of free primary schools.

I am familiar with the worst parts of our largest towns, and I begin by admitting (if it can be called an admission) that in our very largest towns there is a quarter here and there—nearly always the thieves' quarter—where a free primary school is desirable, even under the present education laws, for the dirtily clad, the degraded, the starving. This, however, is an exceptional thing.

Let me also guard what I am going to say from being misrepresented by asseverating that no one can be more anxious than I have ever been to see the ladder constructed by which ability and merit can rise from the very lowest to the highest grade. *Carrière ouverte aux talents* has ever been one of my mottoes.

1. In reply to the allegation that the universally free primary school is necessary in order to bring children to school and to warrant compulsion, I answer that such parents as cannot pay the weekly twopence are now able to send their children to school without any payment; because School Boards—and School Boards embrace more than half the population—can remit fees in their schools: and in the case of all other public elementary schools the really needy parents can obtain the requisite fees from the guardians of the poor. Inability to pay the fee can no longer be made a pretext for not sending a child to school. Those who cannot pay (and they are extremely few) need not pay. And I may add that such pretext never was valid: for every voluntary school with which I was ever acquainted readily hastened to reduce or remit the fee to meet the parent's case: so that, even before the present laws, mere poverty was never the real ground for a child's not attending school.

Such is one sufficient answer to the allegation that universally free primary schools are necessary for bringing the children to school. And if it be pleaded that some feel it unpleasant to apply to the guardians for the fee, see to it, I say, whether this is not rather an advantage.

And who are they who are so tender? Who are these who object to allowing some few poor people to apply to the guardians for the school fee? Why they are the very persons

Digitized by Google

who would turn all our primary schools into charity schools, and deprive our artisans of that independence of feeling which they now have when they send their child to school each week with its twopence in its hand.

2. In the next place, I deprecate universally free primary schools as an untimely and inexcusable *extravagance.*

Last year the school pence amounted to 1,138,000*l.*; and voluntary subscriptions to 786,000*l.* Is the country prepared to sacrifice these two millions annually, and to add this perpetual burden (oh! so needlessly!) to our yearly taxation? If the weekly pence be once done away with, they could never be brought back: and with them go for ever the voluntary subscriptions. This should make us pause—and a pretty long pause, too. Indeed, whatever speculating, irresponsible persons (not uninspired, perhaps, by jealousy) may devise, I have hopes that no statesman would harbour such an extravagant project. One statesman, the well-known Marquis of Lansdowne, declared that he would never entertain it: and this he said when the weekly pence came to not more than half-a-million yearly. Moreover, the way in which this help to our sorely overburdened public revenue is collected has two great material advantages: first, no expense attends the collection of the scholars' pence: and, secondly, they are collected all over the country in small sums week by week—the only way in which such an amount could be collected from the manual labour class except by some heavy tax on their food or clothes. And if this revenue be once abandoned, it could never be reimposed on the same class in any other shape.

Of the moral advantage to the parents arising from this payment I will speak by and by.

And is this a time when England should rush into such extravagance? when England should needlessly forego for ever 2,000,000*l.* of public revenue? Nay, when I look at the extra costliness of the Board schools, and the expense of Board elections, Board offices, Board clerks, and so on, I may say, is this a time when we should add 3 or 4 millions a year to our rates and taxes? For such, in truth, is at the very least the meaning of universally free primary schools. Are the school rates so light—amounting already in some places to 8*d.* and 9*d.* in the pound—that we should be eager to double or treble them, and plant them everywhere? Is the amount which our Chancellors of the Exchequer—whoever they may be—are annually requiring so trifling that taxation is not felt? Blessed are the people that are in such a case! but it is scarcely our case. A Budget of between 70 and 80 millions regularly

Digitized by Google

every year is a biggish sum considering the limited number of wealth-producers in poor little Britain: to say nothing of Supplementary Votes, extra amounts for Afghan wars, and the like—which, however necessary (and I don't dispute the necessity), are nevertheless very costly.

Under all these circumstances I would prefer listening to the advice of J. S. Mill, that we try to pay off much of our National Debt, instead of embarking in such a wide sea of additional rates and taxes for the experiment of free primary schools throughout the country.

I named our National Debt; and all people know of that, for it is talked of every year in Parliament. But all people do not know that our municipal towns enjoy a National Debt of their own to the tune of more than 100,000,000*l.* This escapes notice in any collective form, and it goes on increasing at the rate of several millions a year.

If indeed it can be shown that the parents who send their children to public elementary schools are overtaxed now and need relief from such unfair burden, then perhaps there is room for considering whether they should not be relieved from this oppression by bestowing a perfectly free education on their children; though I would rather relieve them by one of the other schemes, viz., of Free Dining Halls in towns and villages, or by houses and land sold cheaply to them by the State; because thus all the unmarried men and women of the wages' class would benefit as well as the married ones: I don't see why those who have married recklessly should be specially favoured and relieved.

3. But there is something which impresses me even more than the *extravagance* of founding free primary schools in this country of ours, and that is the *injustice* of the thing. There are considerations which make me think that it would be an unwise thing anywhere. But when I reflect upon all the classes in our old land just above those who fill the primary schools, and when I call to mind their condition and think how they would be saddled with additional rates and taxes in order to pay for these free schools, I lack voice to express my sense of the inequitable nature of the proposition.

We sometimes talk of 'the Poor'—meaning the artisan and manual labour classes. But the nominal income does not determine the question of poverty. Circumstances may and do render the larger income far less available than the smaller one. And I assert emphatically that the really poor, the real sufferers by poverty, are the brainworkers and middle classes generally of this country—the medical men, the religious

Digitized by Google

ministers of all denominations, the literary men, the engineers, the architects, the salaried clerks, the commercial travellers, the school teachers, many lawyers, many officers in the army and navy, and my inquiries make me add the shopkeepers in our large towns. Sufferance is the badge—I don't say of all the tribe of the middle classes—but of the mass of them, of not less than 60 per cent. of them. With all their struggles and pains they cannot make both ends meet at the end of the year, or do so only by the greatest care and privation. The more this is investigated the more will it be found to be simply true. Their inner life, their hidden life, is a mine well worth digging into.

4. I contend, fourthly, that to turn our public elementary schools into purely charity schools would deteriorate the artisan and manual-labour class, that it would be a δῶρον ἄδωρον, a sword given to them wherewith to slay their moral life. It would tend to wither up what is already too feeble, namely, parental authority, and filial gratitude and love. Listen to a short German fable:—One workman says to another whom he sees to be skilful and successful, 'What do you do with the surplus of your earnings?' 'Oh,' replies the successful one, 'with part I pay my debts, and the rest I put out at interest.' 'You have no debts,' rejoins the first speaker, 'nor money out at interest.' 'Yes,' says the other, 'I am paying to my aged parents the debt which I owe for their outlay on my education; and the money at interest is what I am paying for my children's education.' Ought we not to foster such feelings as this in our citizens, instead of pandering to the worst side of them? Alas! parties seem contending which shall most corrupt and degrade the artisan. 'No Income Tax for you,' says one. 'Free Schools for you,' says another bidder. It is a second edition of effete Rome: 'Panem et Circenses.' Oh, do not let us corrupt independence of soul! Never let us forget how human institutions give shape to human character.

5. And now I come to the last point, to the inner meaning, the gist of the proposal of setting up at once free primary schools throughout the country, as it emanates from some quarters. It means the doing away at one fell swoop with all the voluntary schools; because the free schools, schools entirely supported by rates and taxes, must be managed locally through the ratepayers only. All free primary schools would, of course, be Board schools.

Here we have, not Reform, but Revolution. To this I reply that political wisdom and moderation seem rather to

Digitized by Google

invite us to give a fair trial to the laws and system which we have, and which have grown upon us. Poverty is no plea for not coming to school; compulsion can be exercised everywhere in the last extremity, and there is little need for it except in the large towns, and not much there now, because there is a marked, a growing and regularly increasing willingness to send children to school, as I have learnt on good authority. If our Voluntary schools are to die, let us die a natural death, and not one by violence.

And why *not* let things have a fair trial? why lay violent hands on the present laws and system? The promoters of free schools reply that they require purely *secular* schools everywhere. I will not discuss that trite and worn-out topic.

Test the question of comparative efficiency at once between Board schools and Voluntary schools. Let a Commission go to some big town, to Liverpool for instance, where there has been a capital School Board. Let the Commission examine there so many Board schools and an equal number of Voluntary schools, and report on their comparative efficiency. Would you be surprised to hear, perhaps, that the Roman Catholic schools were the most efficient, although they deal with the lowest part of the population? Then, too, let these promoters of universally free primary schools call to mind that they are proposing to destroy an important element of efficiency, namely, the competition and rivalry which now go on between Board schools on the one hand and Voluntary schools on the other.

Dr. John Watts, of Manchester, read a Paper on the question. After adverting to the shortcomings in elementary schools, he said the evils can only be effectually removed by placing the schools in the hands of a regularly constituted authority, which shall have no pecuniary interest either in shirking the fair requirements of the code, neglecting any portion of the pupils, or in grinding the parents. According to the bye-laws of the Manchester School Board, children who have passed the third standard can get half-time exemption if they are beneficially occupied; and under this rule a practice has arisen of not summoning to the Board rota or to the Magistrates' Court the parents of any irregular pupils who are in the fourth standard, even if they be *not* beneficially occupied. Of course the schools lose pecuniarily by this practice, and I have heard of an attempt to register such children as half-timers, and to claim payment for them; that is to say, an attempt to abolish the code requirement of 250 attendances by a sidewind;

Digitized by Google

or in other words to get paid for doing as little, instead of as much, as possible towards 'man-making.' And the worst part of the business is, that these idlers keep other children away from school. Of course no such action would be possible on behalf of schools under a public authority.

The compulsory power has done much to increase the regularity of attendance, and although Manchester has been remarked upon for the great numbers taken before the magistrates, I doubt if they have up to the present time exceeded 4 per cent. of the parents; for the persons with whom this extreme measure is necessary are like the Monday morning drunkards: they are the same eternal round, whose faces are all familiar to the Bench. But much still remains to be done, and where compulsion fails, experience seems to say that free schools would succeed.

Any public primary school teacher will be witness that his school is generally a grand display of empty benches on Monday mornings, and that the pupils come in greater numbers each half-day until Wednesday morning; and that as a rule the remaining absentees do not turn up that week. The explanation is, that with some parents it is an eternal struggle for a few pence; it may be from improvidence or from other causes, but at the School Board rota the excuses are 'no clogs,' 'no fees,' others have no small change when the fees are needed and will not send silver, or they have no money at all just then, and when Wednesday comes 'they are not going to pay for half a week.' I give here a table showing the attendances at three Board schools in Manchester on Mondays—mornings and afternoons—as compared with the weekly average, and it will be remembered that the weekly average is a long way below the possible attandances:—

August and September, 1878.

Actual Attendances on Seven Mondays, and Weekly Averages.

Boys' Schools	Monday Morning	Afternoon	Weekly Average	Morning percentage	Afternoon percentage
Lloyd Street . .	185	194	264	69·8	73·3
St. Matthews . .	119	127	175	67·9	72·8
Every Street . .	195	215	271	72·2	74·1
		General Average . . .		69·9	73·4
		Deficiency		30·1	26·6

Digitized by Google

So that 30 per cent. of the pupils, who do attend at some time during the week, are absent on Monday mornings, and 26·6 per cent. are still absent in the afternoons; and more than that proportion of the efforts of the teachers are therefore thrown away, since these irregulars hinder the progress of the others by their ignorance when they do turn up.

We have in Manchester a Free School, the qualification for admission to which is the inability of the parents to pay school wage, and in which bare feet and ragged clothes are familiar friends, whilst attendance without breakfast is not at all unfrequent. Yet this school gives us no trouble at the rota, and whilst it is a great triumph to have to give six prizes in the largest Board school to pupils who have not missed more than six school meetings in the year, it is quite common in the free school to have to give more than thirty such prizes. Here is the return of seven Monday attendances, compared with the weekly averages at that school:—

FREE SCHOOL, AUGUST AND SEPTEMBER, 1878.

Actual Attendances on Seven Mondays, and Weekly Averages.

Monday Mornings	Afternoons	Weekly Average	Morning percentage	Afternoon percentage
301	303	309	97·3	97·8

Now, as far as I am aware, the only differences between this school and the Board schools for boys are that whereas the Board schools get a great amount of attention from the School Board officers, this gets none or next to none; because it does not need it, whilst the mere absence of fees not only overcomes this want of attention, but also secures 27·4 per cent. more of efficiency on Monday mornings, and 24·4 per cent. on Monday afternoons, by the large proportion of its pupils who are present. Of course this difference of efficiency lessens towards the middle of the week, until the different schools reach an equilibrium about Wednesday.

If we take a wider range, and compare the percentage of possible attendances made in various classes of schools for a quarter of a year, we shall still find a very great difference between the schools where fees are required and where they are not. And in giving this return, I must explain that in Board schools about 7 per cent. of fees are remitted on account of poverty for three or six months at a time, and that

Digitized by Google

at many of the Church schools there is a similar arrangement in operation:—

Statement showing Average and Actual Attendances in the different Denominational Schools in Manchester, for the Quarter ending June 29, 1878.

Schools	Average School time attendance	Actual Weekly Attendance	Percentage of average on actual attendance
Church of England .	15,790	19,720	80·70
School Board . .	7,754	9,860	78·64
Roman Catholic . .	6,301	7,967	79·08
British	4,945	5,790	85·40
Wesleyan	1,540	1,874	82·17
Manchester Free .	305	311	98·07

The efficiency of this Free School is, by the simple absence of fees, made 17 per cent. greater than the average of other primary schools, and the inevitable conclusion is, that 17 per cent. of the present cost of primary education, say roughly 365,330*l.* per annum, from Government, as well as the sum received from parents, is thrown away.

Of course, if primary schools were made free schools, they could no longer be denominational, and whatever good there is in denominational teaching or connection must be sacrificed. I do not pretend to be a judge upon that subject, but I wish the public to understand clearly that they pay for it, to enable them to decide whether or not it is worth the price. And the price paid consists not in money only but also in a sacrifice of efficiency under present arrangements.

Mr. Edwin Chadwick asserts, that in large Poor-law Union schools the standards can be got through in much less time than is required by the code, and this in consequence of the better grading made possible by large numbers. But proper grading is impossible in denominational schools, first, because of insufficient numbers of pupils in any given locality, and second, because of the desire of denominational managers to keep the pupils in connection with their own churches or chapels. If the schools were all in the hands of a public authority, they would be conducted with the single view of advancing education; their appliances would be of the best, and all the advantages of proper classification would be secured.

Digitized by Google

DISCUSSION.

Dr. GLADSTONE, F.R.S. (London), said it appeared to him that there were two theoretically perfect views in this matter. One was that all education should be free. He did not know that they should stop at primary schools. He did not see the logic of that. There were, indeed, some countries in which they made a considerable effort to give all education free. There was another theoretical view which seemed perfect—that education should be wholly paid for by the parent; just as food, clothing, medicine, firing, and everything else the child required were paid for. As to these two views, he thought they would see at once that neither the one nor the other was practically possible, and all they could do in England under present circumstances was to have some sort of compromise. The undesirability of raising rates too high and other reasons showed that at the present moment they could not hope to have any large extension of free schools; while, on the other hand, a very large number of parents could not possibly meet the whole expense. But it was a practical question, after all; because it was important to see in what direction they were tending: whether they were to make all schools free, or to raise up such a feeling as would induce parents to pay larger sums towards the education of their children. It had been contended by Mr. Collings that with free schools compulsion would be easier. No doubt it would; but he thought Mr. Collings exaggerated the amount of difference it would make. The question whether parents could forego the shillings which the children earned was more difficult to deal with than the mere question of the payment of two or three pence in fees. In London it had been found, on the transference of free ragged schools to the Board, that the charging of only a penny had an important effect in making the children more regular in their attendance, for the parents liked to have the whole pennyworth for which they had paid. He did not know that because it was important to the public that children should be educated, therefore the public should pay for the education. At present we require that the parents should pay the whole of the expense of food, clothing, and other things which the children need, although it is important to the public that they should be fed and clothed. It is also very important to the public that children should be free from disease, and it might therefore be contended that free medical attendance should be furnished at the expense of the State, or that everywhere there should be free medical dispensaries supported by the State. But it should be remembered that education was mainly for the benefit of the child, and that therefore, if not the whole, at any rate the bulk, of the education should if possible be paid for by the parent. It is very desirable not to lessen that independence of character which is one of the best features of the English character. Also it did not seem to be fair to the whole community that they should have to pay for the education of a certain portion of their number; and especially was it not fair to the poorer class

Digitized by Google

of ratepayers. The respectable working classes, who were industrious and sober, and who were able and willing to pay for their children in middle-class schools, would at the same time have to pay for the education of the children of their fellow-workmen who only worked when they liked and spent a great deal of their earnings in drink. It should be their aim to raise up such a manly feeling in the minds of the people that they should desire to pay for the education of their children as far as they could. It was in that direction, and not in the other, that he conceived their efforts ought to be directed.

Mrs. Burbury (London) observed that one point which seemed to be by no means unimportant had only been indirectly referred to. She alluded to the large proportion of the amount which the ratepayers had to pay for elementary education that went for the provision of school sites and buildings. Speaking under correction, she believed it to amount to about three-fourths of the whole. The average cost of each child for site and buildings was 15*s.* 4*d.* This was not a permanent burden, as it was spread over fifty years; and in case of the enlargement of the schools, over thirty years. That she regarded as a reason at least for the postponement of the question of free education until the schools and sites had been paid for out of the rates. But she trusted that feelings of honourable independence would lead the working classes to disdain the shifting to the shoulders of others of burdens which they ought themselves cheerfully to assume.

The Rev. John Breen (Cheltenham) said that in the United States they (Catholics) were opposed to the principle of free schools, but it was not because the schools were free, but because they were what were commonly called godless schools. They were opposed to it also because they thought it was unjust that that system of education should be enforced, and that they were left no option, but were compelled to carry it out and pay for it, although they could not use it, and had already contributed their quota to the education of the country by supporting a system they could use. It was practically imposing a fine upon those who rejected the principle of godless education. He noticed the fact, not because he was a Catholic, but because the principle would give rise to as much difficulty in this country as it had in America. There were, he believed, more people in this country in proportion opposed to purely secular schools than there were in America. He had himself always demurred to them *in toto* as a matter of principle. He did not hold that it was the duty of the State to educate the children that were born under its jurisdiction. By nature and by the law of God that duty belonged to the parents, just as much as did the duty of feeding and clothing their children. To take the duty out of the hands of the parent and to put it into the hands of any public body would be mischievous to society, and especially so to the family. Of course where the parent was unable to discharge his duty—for which he was responsible to God and to society—it was very right and proper that the State should assist him to discharge it. At the same time he quite accepted the principle that it was the duty of the State to see that every parent did his duty by his children. He had been manager of a poor school for some time,

Digitized by Google

and it had never been urged to him as a reason for non-attendance that there was a want of the means to pay the school fees. It was, however, left to the discretion of the school managers to deal with the question, and no difficulty was ever made in proper cases as to the remission of school fees. That he believed was the experience of the managers of all such schools. It was not school fees but other causes which kept children from school—such as the earning of a few pence by selling papers and otherwise. He regarded the respectable poor as being the bone and sinew of a nation, and he felt certain that, if school fees were abolished to-morrow in his school, the better class of his children would leave him in a body and go somewhere else. The parents set a certain store by what they paid for, and were glad to feel that they did not get their children's education for nothing. It would be, in his opinion, a misfortune if in this country there were no schools to which poor parents could send their children and pay for them.

The Rev. Brooke Lambert (Tamworth) said that the question as to whether rates fell upon owners or occupiers had a material influence on the decision of this subject. Mr. Kennedy evidently thought the poor did not pay rates at all; Mr. Collings, on the other hand, was of opinion that the poor paid rates in rent. The question was one too wide for discussion there; but in consequence of the bearing it had on the subject he would say that he was convinced that except in very crowded neighbourhoods the incidence of the rates was almost wholly on the landlords. The poor therefore would not in most cases feel that they were paying for their schools if the rate was substituted for fees. The importance of the matter was this. Every school manager who had allowed any children to come free, knew that with freedom from payment came irregular attendance. At the same time as compulsory laws created a conscience on this subject, it might be that free schools would be fairly filled. He believed, however, that when a large body like the Birmingham School Board were in favour of free schools, the experiment ought to be allowed. They would then be able to test the working of free schools in comparison with school-fee schools. His own impression was that probably a result very surprising to some would ensue if free schools existed side by side with school-fee schools. The parents in many cases would say, 'The education is to be had for nothing—it is worth nothing.' There was at least a large class of parents who judged of the value of the school by the size of the fee. Anxious as he felt that the experiment should be tried, he could hardly say that he was in favour of the plan of abolition of fees.

Mr. Thomas Wyles said that, whilst fully appreciating the benevolent policy of the plan of free schools advocated by Mr. Collings, he felt that extreme caution in the adoption of any such plan was needed. Already our poor were emasculated and pauperised by the mischievous action of a Poor Law, which gives a right to live; which means, if it means anything, that A may waste his resources, and then have a legal right to live at B's expense. The laws of God gave no such right, and the constitution of such a right in human law placed a premium on and fostered improvidence on one hand, whilst, on the other, it presented a plea for selfishness to withhold benevolent

Digitized by Google

action in relation to the really deserving poor. We already held out one hand, tendering food without labour; and should we enhance this grave blunder by holding out the other, tendering education without pay? Where did society get the right to set aside the Divine mandate, 'by the sweat of thy brow shalt thou live,' a mandate based on infinite beneficence, and the source of all civilisation? It was a most serious thing for society to weaken the sense of parental responsibility. The instinct of parental love was strong, and evidently designed to soften the responsibilities of family life. The happiness of family life was indeed susceptible of enhancement by a due regard for its responsibilities; and it was seriously to be considered whether society was not detracting from, rather than adding to, the sense of our social happiness by taking upon itself the duties which naturally devolve upon the individual and the family. The rights of the State in the child conjointly with the parent might be freely conceded. The right of the parent to neglect the child as to feeding, was already legally denied and provided against by legal penalty. By a parity of reasoning, the State had an equal right to prevent, by legal penalty, parental neglect of education. The enhanced value of the citizen when educated was undoubted. It was this, and the claim of the state on its citizens, which underlay all the arguments for a free education. But it was a grave question whether the duties of the State on these grounds were not fulfilled in seeing to it that the parent did his duty. The argument based on the poverty of parents lost much of its force when it was borne in mind that the direct expenditure of our labour classes in intoxicating drinks was somewhere about one hundred millions a-year—or one-fourth of their earnings; and that the waste of time and power in drinking was estimated at about one hundred millions more. Of the criminality of the State in fostering this destructive trade, and debauching our people to fill the exchequer, this was not the place to speak. But he gravely doubted the wisdom of attempting to rectify or modify the mischief accruing from one political blunder by the constitution of another.

Mr. H. J. Moore (Cheltenham), while complimenting Mr. Collings upon the ability and tone of his Paper, thought that he had failed to prove the necessity, or even the desirability, of establishing free primary schools. It would be an unwise policy to surrender the large amount now willingly paid as school fees; because, if they were surrendered, the amount would have to be made up out of the taxes of the country; thus imposing additional and unnecessary rates. Mr. Moore objected to the establishment of free schools, as by it a kind of parental government would be introduced, and the influence of parents over their children would be considerably lessened, to the injury of the moral tone of the whole community. It was the duty of the parents to feed, clothe, educate, and in every other way fit their children properly to perform their after-life duties; and it was only when they lacked the ability to do so that the Government should step in and do the work for them. He thought that the manhood and self-respect of the nation depended very much upon its spirit of self-dependency, with which it would be detrimental to interfere. Thirty years' experience as a prac-

Digitized by Google

tical educationalist convinced him that the views propounded by Mr. Collings, as to the attendance at school being improved by a free system of education, were unsound. Those children attended most regularly for whom the parents had to pay a fair fee; while the scholars who were most frequently absent were those to whom a gratuitous education was given, or who had a very small school fee to pay.

Mr. Francis Day (Cheltenham) said that his experience as a practical teacher was that the payment of school fees secured good attendance and regular attendance, and with that view he was in favour of weekly payments rather than monthly. Children ought to be taught that it was not honest of them to neglect their education. That tone he had found to lead to good results. As far as his experience went, it showed him that the honest working people were not desirous of being relieved of the burden or responsibility of educating their children. Under the present system, education, he had no doubt, would spread more rapidly than it would under a free system, and they ought certainly to wait till the existing experiment had been fairly and fully tried before they introduced a new one.

Colonel Oldfield (Dorchester) observed that any educational superiority enjoyed by Americans was due, not to their schools, but to the careers which were open to them. No man's education was completed at school. He believed that the system of State-supported schools was temporary, and had reference only to the present distress caused by long carelessness. 'The responsibilities of parents' and 'a free choice of schools for their children' were the directions in which they ought to move. At present the well-to-do got the advantage which the poorest were debarred from, because their children were ragged and shoeless. The guardians of the poor might pay the fees of the poor, but now very generally persons asking this favour had to attend in the anteroom of the Board-room with the mass of paupers, and materially they felt that their own neighbours would class them with such persons, and they were besides degraded in their own estimation. That was a system which needed reform, for if the people came often to the Board for school fees they would soon learn to come for other relief also. With respect to the general question he would only say that the intolerance of secularists was bidding fair to outdo that of all other persuasions. The indictment preferred by Mr. Collings was too general. He should have specified the passage to which he objected, or, as the Scotch say, condescend to particulars, for *In generalibus latet dolus.*

Mr. Rowland Hamilton (London) said there was one thing that ought to be borne in mind, and that was, that those who took an active interest in education had very heavy arrears to make up. No doubt the first volunteers had done great things, and those who took part in the voluntary system had done so. At present the question was a difficult one. The Government had refused to allow free schools. There was no other option given—no discretion for the exercise of local will in the matter. He could not agree with what Mr. Kennedy had said—as to the country not being able to afford the expense of the system he was dealing with. The country was able to

Digitized by Google

afford it equally whether the money was raised by rates or by voluntary contributions. Again, they were very apt to regard education as being for the advantage of the child only, but that was not altogether true. Every man must be supported by labour, and if he cannot labour himself he must live by the fruits of other people's labour. If you get an unintelligent labourer you have a person who is no good to society at all. If he has not sufficient intelligence to turn the product on which he is engaged out of his hands better or in a more advanced stage than he received it, he is a spoiler, and not a doer of work. If, therefore, the labouring classes were not intelligent they could not be trusted to do the responsible work which the organisation and civilisation of the country required. If, then, they did not adopt in its literal hardness the maxim that those who do not work shall not eat, they were bound to see, not for their sakes alone, but for the sake of the country also, that the children of the labouring classes were educated, and that their intelligence was cultivated.

Mr. Collings, as an advocate of free education, denied that it would take the responsibility out of the hands of the parent. It only said: 'Here is machinery supplied for you. You have no longer any excuse for neglect.' Free schools would be provided for them, and thus their responsibility would not be lessened but increased. He passed over a great deal that had been brought forward, and came at once to the allegation that they wanted to establish charity schools. How could they be called charity schools when they were to be supported by the rates? Would they call a town pump a charity pump? Would they call the lamps in the streets charity lights? Do they call the endowed schools charity schools? Yet the poorer classes had, in many instances, been kept out of their part and lot in these schools, and the rich who enjoyed them did not regard them as charitable institutions. Did the children in those endowed schools—the children of the rich—consider that they were objects of charity in receiving this gratuitous education? He passed by what was said as to the expenses of the Afghan war and the six millions for the Indian war, and came to Mr. Kennedy's statement that the landlord was but the agent of the tax-gatherer. His position was, that the rates were paid by the tenant, and he regretted to hear what Mr. Lambert had said on that subject. As to general taxation, let him take the four articles, beer, tobacco, tea and coffee, and he asked, would it be possible to deny that the poorer classes paid a larger percentage of their income to the Imperial revenue of the country than any other class in it? It was sought through the poverty of the middle classes to prejudice the case of the poorer classes. He had no doubt that poverty did exist, and he was sorry for it; but that was beside the subject in hand. He had not gone through the matters to which he desired to reply, as it was utterly impossible to do so in the very limited time allowed.

The President said that their time was so limited and the discussion had been so full, that he would not prolong it by exercising his right to sum up. He merely wished to endorse one observation which had been already made. He thought it was a great mistake to assume, as had been assumed by some speakers, that if free schools

Digitized by Google

were established one class would be unfairly rated to pay for another. Why should the ratepaying class make no use of the schools themselves? However averse farmers and shopkeepers might at first be to send their children to primary free schools, it would, he believed, be a mistake to recognise this as a permanent obstacle to a free school system, and the more so as it was not practically felt in America now, and was not felt in Scotland until very lately. He agreed with Mr. Brooke Lambert, that if a free school system were established, it should be tried tentatively and on the permissive principle—a principle which, in his opinion, was more applicable to primary education than to most other social experiments. He hoped that the system of primary free education would be tried in some of our great towns, and he saw no reason why its adoption should be inconsistent, as had been urged, with the maintenance of the Education Department.

UNIVERSITIES EXTENSION.[1]

Is it expedient to increase the number of Universities in England?

PROFESSOR A. W. WARD, Owens College, Manchester, introduced the subject by reading a Paper on the question.[2] In discussing it the writer did not assume that the *onus probandi* lay with those who assert the negative, and who maintain that it is *not* expedient to increase the number of universities in England. But while waiving this general historical argument he hoped that on the other side no mistakes of past times would be quoted as disproving the expediency of present action. He then continued—'To demand that the number of English universities should be increased—to what extent I am not now considering—implies an opinion that the existing number is insufficient. It consists, as you are aware, of four; but these four are not homogeneous. We possess *three* teaching and examining universities, of which one (Durham) has hardly extended or seems likely to extend its operations beyond a local sphere—and *one* (London) which has entirely, so far as its system is concerned, dissevered the responsibility of examining for certificates of knowledge from the responsibility of teaching. And with the exception of Durham, the North of England, which contains fully one-half of the population of the country, is entirely without a seat of university life. One observation suggests itself immediately from a recital of these familiar facts. The union of all the

[1] See *Transactions*, 1875, p. 412; 1876, p. 416.

[2] This paper was published *in extenso* in 'Macmillan's Magazine' for November, 1878.

Digitized by Google

English universities in a single institution is out of the question, even were it desirable. Oxford and Cambridge are altogether unlikely ever to become mere branches of a single centralised system; and for my part I think it would be deplorable should such ever be the case. The great defect of the centralised system, which obtained in France till it was recently interrupted, was want of freedom of teaching. The uniformity of study, which in England has already resulted from the wide-spreading influence of the University of London examinations, has already begun to produce its consequences. On the other hand, while Oxford and Cambridge will never become branches of a central university, the University of London will never again become a mere system of colleges. Nor is it desirable that it should become such. It is a national benefit which never will or ought to be relinquished, that there should exist in this country examinations like those of the University of London, impartially conducted by examiners chosen from the widest possible area, and open to all comers. But while a single central university thus seems impossible in England, this by no means implies that the professions and the State should not take care of themselves, and of the interests of the public by maintaining, establishing, or perfecting more or less uniform standards of examination for admission to practice or service. These professional and State tests are however things different from, and yet quite compatible with, examinations for university degrees. This remark I venture specially to commend to the attention of anyone present who may be interested in the question of medical education.

Such, then, are the *means* we possess. What are the *demands* we have to meet? There is a growing demand throughout the country for the highest, for what if you please I will call the *academical* kind of instruction, which is extending in range as it is increasing in strength. For some of these studies—such as medicine, and various branches of physical and mechanical science—the ancient seats of learning are in a position of relative disadvantage.

But I am specially anxious to point out that there exists in this country not only a growing demand for academical instruction; there is likewise a growing sense of the advantages and importance of university training, university life, and university influence. Some of the most signal of these advantages least need enumerating, such as the association of students and teachers in study above all, and also in daily intercourse—and its results; the formation of new schools of learning and research among the flower of the students and graduates, the

Digitized by Google

encouragement among the students at large of a systematic and sustained kind of study, the gradual elevation of tone and feeling among those who live together for high, or at least pure ends, among those who *have* so lived together and who still retain their connection (though it be a merely nominal one) with their *Alma Mater*, and among the community around. And this community finds in the university a centre not only for the schools and other educational institutions of the district, but for a large proportion of all its efforts in the direction of intellectual progress. These are some of the benefits of university education and university life which are recognised with the utmost distinctness by numbers of men who have never been at a university, and in districts whose thoughts and aspirations are sometimes believed to run entirely on cotton and iron.

No one will seriously contend that so far as university training is concerned, it is possible that Oxford and Cambridge should be able to supply the wants of the entire country within their own walls, as in times gone by. Nothing indeed is more striking than the great increase in the numbers of their undergraduates of recent years, and in the efforts which have been made to facilitate and cheapen residence at the two old universities. At Cambridge especially the increase of educational activity is quite wonderful to anyone who has observed the progress of that university within the last generation, and it would be idle to speak of Cambridge any longer as a university for any one class or division, religious or social, of the nation. Still there is the fact that Oxford and Cambridge respectively attract students in larger numbers from their own parts of the country than from others; there is the fact that residence there is, except in the case of those who can obtain scholarships, more expensive than many who desire a university education can afford; and there is another consideration. If Cambridge and Oxford continue indefinitely to extend their educational activity within their own walls—and I am far from saying that its limit has in either case been already reached—there is a serious danger to be guarded against, that this educational activity will absorb their best forces, and that the work of instruction will unduly overshadow the pursuit of learning and scientific research. To avoid this misproportion, and to secure to a university its double character as a place of education and learning (or if you prefer the modern term, research), should be the object of every university, whether its foundation date from the middle ages, or from later days, or from the times in which we live.'

Nowhere is the insufficiency of all processes of what I

Digitized by Google

may call intramural or gremial extension more clearly recognised than in the old universities themselves. Two kinds of plan have been accordingly suggested in supplementation of it, which this seems the time to notice. The one is the scheme which has been proposed and rejected at Oxford, of affiliation of local colleges. With regard to this scheme I will offer no general opinion; but I wish distinctly to state my conviction that where a college has already attained to a life and a character of its own, it is impossible to accommodate it to institutions, however venerable and powerful, of an altogether different historical growth. To affiliate, for instance, a college like Owens College, Manchester, to Oxford would be to stunt its best growths at home, to paralyse much of its higher teaching, and to move it backward instead of forward in its career of literary and scientific endeavour. The other plan, which Cambridge has for some years energetically worked at and which Oxford has just adopted, is that known under the name of university extension. I believe this plan already to have had excellent results; but its tentative character is obvious, its operations can never be thoroughly systematic, and it only lays the foundations of an edifice which, in the words of the *Times* newspaper, is still 'to be crowned.' But besides the old teaching and examining universities we have the examining board of the University of London; and why, it is urged, should not this in conjunction with local colleges suffice for all demands? The answer is twofold. First, the permanent restriction of the regulation of university courses throughout the country, apart from those of Oxford, Cambridge, and Durham, to a single centre must produce a uniformity which, as I have already said, will tend to narrow the lines of university teaching. Secondly, it will stereotype a principle which though new has many advocates, and on which, as I hold it to be radically unsound, you will allow me for a moment to dwell.

This principle is that of the dissociation of teaching from examining; and of committing the determination of the courses and subjects of study on which the examinations turn to those who have not (unless accidentally) any concern with these courses and subjects as teachers. Now most assuredly degrees are not the main object of a university; but apart from the fact that they cannot be dispensed with as a mark of national recognition of its right and ability to regulate its own method, they are necessary in order to systematise its courses of study, and to encourage continuity and regularity of work among its students. But where the power of granting degrees, of regulating the examinations for them, and of determining the ordinary curricula of study,

Digitized by Google

is wholly dissociated from the teaching body of an academical institution, there its teaching will infallibly either largely degenerate into mere dependent preparation or *cram*—or it will have no integral connection with any regular system of education at all. Now, it is not so much that fault has been found with the existing system of the London examinations from one or the other point of view. Such has certainly been the case; but neither have the Oxford and Cambridge systems of examinations been exempt from criticism or exempt from change. The first point is, that on the governing body of the University of London the colleges which prepare their students for its examinations are unrepresented; that they could not be easily represented there so long as half of the candidates for the examinations there come from no college at all; and that even if they were to obtain some influence upon the regulation of the examinations, that influence, in the case of any college of considerable growth, would be too small to satisfy the claims for change it must, like all academical institutions desiring to progress with the progress of their age, from time to time feel called upon to make. London is London; and under whatever constitution, so long as London is the seat of a university, that university must be mainly under its control. The second point is, that even if a fairly satisfactory system of representation were devised for the colleges belonging to the university, yet the London degree must, on account of the non-collegiate candidates, remain a mere examination test, and not such a test together with a certificate of collegiate training. I do not think that the question proposed for discussion to-day primarily calls upon me to endeavour to explain in what way the establishment of a new university could be carried out without either prejudicing the existing condition of academical education in the country, or foreclosing the policy of the future. If necessary, this can be suggested in the course of the discussion or at its close. But it may be convenient at once before I sit down to add so much as this. If a new university is a desirable addition to the means of higher education which the country possesses, it can only be so if this university can give fair guarantees of efficiency and permanence. It should not be, even to start with, what a vivacious member of Parliament has called 'a poor provincial university.' Its proposed nucleus should be to some extent already the educational centre of a district, and should enjoy the confidence and support of that district. It should not be one-sided, or sectarian, or insolvent. And whatever plan is offered for the constitution and working

Digitized by Google

of a new university, such a plan should include guarantees that its degrees will from the first be maintained at the proper level, and that its examinations will be conducted with openness and impartiality. Lastly, no plan for a new university should be put forward which does not keep in view the inexpediency of *suddenly* and *hastily* increasing the number of university centres. If homogeneous colleges, each of which is able to furnish satisfactory guarantees of efficiency and permanence, can be united in a single federal university with a fixed centre, such a scheme seems to commend itself as at once the safest and the most elastic; but no hasty union, or one to which the State shall have nothing to say, will be accepted by the country, or allowed to shut the door to future developments. A scheme which in the opinion of its promoters possesses these features and avoids these dangers is now before the Privy Council, and its outline is no secret to those interested in the matter.

The Proposals for a New University in the North of England.
By J. G. Fitch.

THERE is no more satisfactory phenomenon in the present life of England than the increased desire to diffuse the means of higher instruction; and there is no modern movement which is likely to evoke more sympathy in this Association. The establishment of a national system of Primary education, and the partial re-organization of our Secondary schools through the operation of the Endowed Schools Acts, have done much to create the desire for a corresponding development in the means of academic instruction for those whose school-life is ended. In the other departments the Legislature and the public purse have done much. In this—if we except the aid furnished by the Privy Council to Science and Art classes, we owe little or nothing to the State. The provision of colleges in our large towns has been the result of private and local munificence. The extension of University teaching by means of lectures and local examinations, has been the missionary work of the older Universities. And the establishment of local libraries has been the result of the spontaneous desire of the inhabitants of great towns, who have been self-taxed and so, to some extent, self-instructed. And in the presence of all these varied resources for securing the intellectual improvement of

Digitized by Google

students beyond the school age, there can be no question more worthy of consideration here than this—By what public measures can these resources be increased, and systematized, and rendered more useful?

We shall not be helped much in the solution of this problem by going back to the mediæval conception of a University, or by asking ourselves what the word University meant in the days of Abelard or Erasmus. The conditions in which we live are altogether different. In ages when there was little learning, when nearly all teaching was oral, and books were a luxury unattainable to all except a few favoured scholars, a corporation of scholars would very naturally form itself round a great library or a famous teacher, would become organized for purposes of study, or devotion, for philosophic research, or public disputation, and would thus become the means of keeping the lamp of knowledge shining out in certain spots in the midst of surrounding darkness. But we are living in an age which seeks to have learning penetrate all social ranks and all occupations, and we want to see the means of sound and scientific training diffused as widely as possible, and to set up before all learners a high standard of what they should attain, and how they should attain it.

Among the modern institutions which have risen up to meet this demand there is none which has a more honourable history than Owens College. In a very few years it has gathered together a large number of students. It is housed in comely and appropriate buildings. It has a staff of highly accomplished professors. Its wealth is growing fast, and is growing in the best of all ways, for it comes from men who know it well, who have faith in it, and who desire to use it for their own sons and neighbours. The people in the midst of whom it is placed are justly proud of it and of its increasing repute. It is already one of the most remarkable centres of intellectual life and influence in the whole kingdom. And so far as its educational influence is concerned, there is manifestly in its present circumstances, nothing to hinder its free development to a far larger extent. Its professors, however, believe, not unnaturally, that this development would be aided by fuller public recognition; and especially by such a charter as would give to it the status of a University. In point of fact, they are already a University in all respects but one, and that one would in the middle ages, and indeed down almost to the present century, have seemed to be of very insignificant importance—the power to confer degrees. This is the one and only privilege for which they ask, and which their present charter does not

Digitized by Google

give them. And we are here to discuss the expediency of yielding to this demand, having regard both to our educational wants and to general public policy.

Now the authorities of Owens College might have put forth their case on this wise: 'We are planted in the midst of an active-minded and enterprising community, conscious of the need of intellectual culture, and daily more and more disposed to look to us to supply that need. We are making it our business to understand and to encourage the best aspirations of the great industrial community in the midst of which we are placed. We are sending out emissaries to neighbouring towns to hold evening classes and to give lectures: we are gathering together large numbers of the young men in Manchester who are getting their living all day, and who are pursuing regular courses of study in the evening. We feel a strong interest in the many struggling and ambitious students in the North of England who are using public libraries, who are attending courses of lectures, and otherwise acquiring sound knowledge by the best means within their reach. We think that if we were in a position to direct the studies of all these people by a well-arranged curriculum and scheme of examination; and to confer appropriate distinctions on all who proved themselves to have acquired a given amount of knowledge and mental cultivation, our usefulness would be greatly extended. We could then not only co-ordinate and direct, but also greatly ennoble the best of the scattered educational agencies which surround us; and for this purpose we ask that, in addition to all the means of usefulness we already possess, the power of granting degrees shall be conferred on us.'

But this is precisely what the authorities of Owens College do not ask. They object altogether to the award of academic distinctions on the ground of attainments and culture alone. They complain of the course which the University of London has pursued in this respect, and they ask for leave to show the public a more excellent way. 'It is the essence of our proposal,' they say, 'that the degree we confer shall not merely be the examination test but also a certificate of collegiate training.' In other words, they do not want their new powers to be co-extensive with the area of usefulness which they at present occupy, still less with that larger field of work which I have just sketched in outline. But they desire that their new functions as a degree-conferring body shall be strictly limited to their regular students, to those who are receiving a complete and systematic course of academic education.

Now it does not appear on the face of the statistics which

Digitized by Google

have been published, how many of the Owens College students fulfil this condition. But data are given from which we may form at least an approximate estimate. There are, it appears, 900 students of the evening classes, but these must of course be left out of view. The number of entries into the regular or day-classes of the arts, law, and science departments is 415, of which it may be presumed that some are double entries, and that many are occasional students only, attending one, two, or three classes. If we want to arrive at the probable number of those who are pursuing a regular academic course, it may be well to look at two subjects—Latin and Mathematics—which form, and I suppose would still form, if Owens College had the power to confer its own degrees, the staple of a liberal education. Now in all four of the Latin classes together, there are 138 students, of whom it seems that 103 presented themselves for examination at the end of the college session. In all the five mathematical classes there is an aggregate of 198 students, of whom 112 came up to the professors for examination. Let us take the most favourable assumption, that of those who are thus examined we have 100 students pursuing a regular collegiate course in both Latin and Mathematics. Let us also assume—a very high estimate—that, notwithstanding the appearance of about one-fifth of these in the fourth class, 90 per cent. of such students would be candidates for a degree examination if the college were able to hold one. As the course of studies for graduation would certainly not extend to less than three years, this means about thirty possible candidates per annum for degrees in Arts, Laws, and Science. Suppose twenty of them to pass, and you have the measure of the probable working of the new powers of the college, under the limitations which the professors themselves mean to impose. Now, results like these, restricted to a very small proportion of the students of a single college, are manifestly insufficient to justify the advisers of the Crown in granting a charter with such powers as are now sought.

But it may, perhaps, be replied, 'We do not wish our powers to be always thus restricted. We hope to see our way to some arrangements for the ultimate admission of our evening students as candidates for degrees.' If so, what becomes, then, of the promise to make the new degree not merely a certificate of attainment, but also a symbol of real academic companionship, and of a regular course of collegiate training? In what higher sense can the thoughtful young clerk or warehouseman, who comes to Owens College in the winter evenings, be said to receive 'collegiate training' than his fellow

Digitized by Google

in a neighbouring town, who attends a course of the 'Cambridge Extension' lectures, and makes good use of the Free Library? How long will the new University be able to justify itself for refusing to admit such a person to examination, and to reward his efforts with a degree? And when this point has been reached, in what way will the new University of Manchester be exacting higher conditions of regular and thorough studentship than those now exacted by the University of London? That institution lays down a graduated course, requires that the student should show at certain intervals that he is pursuing that course, assures itself thus of the regular and progressive character of the student's work; and for the rest, leaves the student to obtain his knowledge where and how he likes. Its sole duty is to maintain a high standard, and to refuse resolutely to grant a distinction of any kind, except after the most searching and thorough examination it is able to devise.

The truth is, that we are liable to adopt a practical fallacy of the gravest kind—one of those *idola fori* against which Bacon warns us, if we assume that, because the word 'university' in the middle ages had a certain meaning; and because a University degree always connoted residence and academic associations as well as learning, therefore nothing in our time deserves the name of a University which does not fulfil the same conditions. In Oxford and Cambridge, as I have already said, the semi-monastic life, the comradeship, the intellectual intercourse and conflict were everything. The degree was little or nothing. Who ever heard of Milton or Addison putting M.A. after his name? It is true that degrees were granted. But the thing represented by those degrees was not definite knowledge. It was the compliance with certain statutory acts and formalities—a term of residence, a public disputation, the reading of a Latin thesis. The notion of a degree as a diploma, attesting the possession of a defined amount of knowledge, as ascertained by examination, is essentially modern, a product of the present century. Very wisely the authorities of Oxford and Cambridge have adopted the examination system, and made excellent use of it in giving value to their degrees. But to this hour both Universities grant a good many degrees without any examination at all. And they may, without much harm, continue to do this; because the degree they give still represents something over and above mere acquirement. It represents residence for a certain period in the midst of a learned society, encompassed by ancient traditions and ennobling memories. It symbolises

Digitized by Google

leisure and repose, the companionship of youthful students, access to ancient libraries, walks in trim gardens, and under the shadow of mediæval buildings. It means, in short, that the holder of an Oxford or Cambridge degree has, for a certain time in his life, cut himself off from the world of business and money-getting, to breathe the air of an academic community, and to partake of the many nameless social and intellectual influences which belong to an ancient seat of learning. Can we hope to reproduce all these things in a new spot, having regard to the altered conditions of our modern life? I think not. It seems certain that if Owens College could confer a degree, that degree would have a value, as that of Edinburgh or London now has, proportioned to the amount of accurate knowledge it represented, neither more nor less. Any definition which the new University could lay down of collegiate residence would certainly exclude from the degree many people who have just as good a right to recognition as those whom it admitted. In so far as the proposed degrees professed to represent anything more than sound and systematic knowledge: if, *e.g.*, they professed to represent association as members of a learned society; higher or more philosophical teaching, or anything that deserves to be called 'training' of the life and character of the scholar, there would be an unreality about it which would become painfully evident, and call imperatively for a change of system before long.

The advocates of the proposal are, in fact, confronted with this dilemma:—Either they mean to make regular academic residence a reality, as a condition *sine quâ non* of admission to a degree, or they do not. If they do, the operation of their new powers will be confined to too small a number to justify the grant of the charter they demand; and those powers will rather tend to alienate than to attract the large majority of their present and probable students. If they do not, then their degrees will represent attainments only, and will not differ in any substantial way from those now conferred by the University of London.

But it is urged that the new powers now sought, would, if granted, improve the status and so increase the usefulness of the College. But is this likely? Durham, and St. David's College, Lampeter, will furnish an answer to that question. Both institutions have enjoyed for fifty years the power to confer degrees, but that power has not given them influence, or much public repute. I believe that it has had precisely the contrary effect. For the public—that portion of it at least which studies this matter carefully—is disposed to feel a strong

Digitized by Google

distrust of any small corporation which has the uncontrolled power of testing its own work, and putting its own estimate upon the students whom it has produced. And the degree-conferring power, so far from strengthening the position of Durham or Lampeter, has proved a source of weakness to both. Owens College owes its present distinguished position entirely to its success as a teaching body. Its strength will always lie in the number of well-taught students whom it can send into the world to pass the recognized tests, and to win distinction in the open arena of scholarship and of practical life. It is by its success and repute as a place of education that it must stand or fall. It will gain nothing, and, in the opinion of many of its best friends, it will lose much, if it contrives to secure for itself the power of independent and isolated action, in regard to the one particular function of conferring distinctions upon those whom it has instructed.

No doubt the present necessity of subjecting those of its students who wish for a degree to the test provided by such a body as the University of London has its inconveniences. Almost every teacher whose aims are high has an ideal of scholarship, and peculiarities of method, which fit in but ill with any independent or outside standard of intellectual merit. It is very natural for the professors of Owens College to say: 'We know our students better than anyone else can know them; we alone thoroughly understand their position and their intellectual needs. We have got a few pupils whom we are conducting to higher knowledge by paths which are not commonplace, but which are specially suited to them; and the ideal of work formed by these students is positively degraded by the ignoble necessity of reading the subject prescribed for a London degree.' All true teachers will sympathize heartily with this complaint. But it is not peculiar to the professors of Owens College. It may be urged by every schoolmaster and mistress who sends scholars to the Oxford or Cambridge Local Examination, or who has occasion to receive a Government Inspector. It is felt by every tutor who prepares a candidate to obtain a certificate or a scholarship, or to enter the Civil Service. It is not unknown among the best teachers at Oxford and Cambridge themselves. But experience has taught us that, in the long run, the advantages of an external and independent test enormously outweigh—though I do not say they ought to make us forget—the disadvantage, and occasional unfairness, of calling in an outsider to revise the estimate which a good teacher has formed of his own handiwork. For every student whose aims are lowered by the necessity of com-

Digitized by Google

plying with the conditions of a degree examination, there are probably twenty who work all the harder and the better under the stimulus of that necessity. And in our time we see in the Civil Service, and in the professions, as well as in schools, a general acceptance of the same principle, that, for certain purposes, uniform impartial standards of examination, applied by persons other than the teachers, are necessary and very helpful. Look at the public schools of England. In spite of their ancient traditions, their pride, and their self-contained and independent character, they have voluntarily submitted themselves to annual inspection and examination by a wholly foreign body—the joint Oxford and Cambridge Board. Consider, too, the case of the medical profession. There you have a number of corporations—the Colleges of Physicians and of Surgeons, the Society of Apothecaries, and others, each of which has been accustomed to give to a candidate a licence to practise, on its own terms. The inconveniences of this variable standard of qualification have been so strongly felt that, though each of these bodies is fully sensible of its own rights and privileges, and sets great store by its independence, yet they have lately all agreed to a 'conjoint scheme,' whereby their own special privileges of admitting persons to the profession have been in part abandoned, and a new external body has been formed to apply a uniform examination test to all candidates alike.

In the face of facts like these, and having regard both to the disastrous experience of America, and to the present state of education generally, I should regard the grant from the Crown, of powers to any single teaching body, to confer titles on its own pupils, as a distinctly retrograde step. And I believe that Owens College will occupy a truer, a more enduring, a more honourable and influential position without such powers than with them.

The inhabitants of several large towns have urged some of the same objections to the proposal made on behalf of Owens College. They say with some truth, 'We have now at Leeds, at Bristol, at Sheffield, at Nottingham, at Liverpool, institutions which are on their way to become very speedily what Owens College now is. We shall ere long be in a position to urge claims quite as strong as those which are now put forth on behalf of Manchester. And it is manifestly inexpedient that all these claims, however strong, should be recognised by the grant of separate University charters to so many towns. Do not prejudice us by putting Manchester into a position of permanent predominance, merely because she has the start of us by ten or twelve years. Let us then have no University

Digitized by Google

with a special local or personal designation, but a great confederation of Northern Colleges on a perfectly equal footing;' or, to quote the words of an able statement put forth by the Yorkshire College of Science, 'a University with power to incorporate colleges without the danger of an indefinite increase in the number of Universities. Such degrees would imply, not merely, as is the case of those conferred by the University of London, that the student had passed an examination, but also that he had passed through a regulated course of study under competent teachers.'

Such a measure would of course be fatal to the project of an Owens or a Manchester University. It would, from the point of view occupied by the authorities of that institution, be open to precisely the same objections as they now make to the University of London. The body empowered to confer degrees under any such scheme, whether it was formed mainly by representation, or by Crown nominees, would be relatively to Owens College and its teachers, as much a foreign body as the Senate of the University of London now is; and its indirect domination over the curriculum of studies, in all respects as irksome to those teachers. Nay, more, it would probably prove much more burdensome and unwelcome; for in so far as the governing body was truly representative of the several colleges, it would be composed of rivals interested in the success of competing schools. It would not bring us one step nearer the ideal of the Owens College professors, for it would oblige all the students who wished for a degree, to conform to conditions laid down by a body independent of those professors.

But the proposal to take a number of scattered and independent local colleges and erect them into a university, deserves a little examination on its own merits. It should be remembered that the experiment is not a new one. It has been tried once on a great scale, and has failed. Forty years ago a Charter was granted to the University of London, empowering it to confer degrees upon the students of certain affiliated colleges and upon those only. For many years, no candidate was admissible to a degree who did not produce a certificate of studentship from some one of these colleges. The institution thus chartered, except in the single particular that it was national, and not Northern or local, having affiliated colleges all over the country, precisely corresponded to the description given of their own project by the Yorkshire College of Science; for it was to give degrees, which not only certified attainment, but also that the holder 'had passed through a regular course of study under

Digitized by Google

competent teachers.' Now, it is instructive to ask how the scheme worked. It was soon found that the University had no control over the discipline and work of the colleges; and no means of ascertaining their condition, except by the success of the candidates who were sent up. Very different standards of scholarship were found to exist in the various colleges; and very different notions of what constituted a 'regular course of study.' The certificates of studentship were given by some of them on very easy, and by others on more stringent conditions. Students desiring a degree, who were competent as far as knowledge went, but who were unable to reside long at a college, were attracted to those institutions which gave the required certificate on the easiest terms. University College, at the instance of Lord Brougham, opened evening classes for schoolmasters, and announced that with a view to encourage the attainment of a degree by this class of persons, a certificate of attendance at their evening classes would be taken as satisfying the conditions required by the University to be fulfilled by candidates for a degree. In time it began to be evident that the tie which professed to bind these various colleges together into a confederation, was wholly illusory; that there was no common rule of action, or standard among them; that some of the certificates they gave, admitting students to the University examinations, were well-nigh worthless; and that the only value the degrees really possessed was derived from them as certificates of attainment. So after twenty-five years' experience, it was resolved in 1863, to seek a new charter which should get rid, once for all, of the fiction of affiliated colleges; and which simply enabled the Senate to confer distinctions on all who passed the needful examinations, without reference to the particular academic or other conditions in which the knowledge had been acquired. How great has been the extension of the University's influence since that date, I need not say. How many students partially engaged in professional or other active life, or accidentally out of the reach of what is called 'collegiate instruction,' have been encouraged to make the best use of other means of improvement, by the hope of receiving honourable recognition, it would be difficult to estimate. But what I want the Section to consider is that the University did not abandon the principle of affiliated colleges, because she undervalued collegiate discipline, or thought it unimportant, but simply because she had no means of enforcing it, and making it a reality. She determined to limit herself to the duty of laying down lines of study and exacting proof that those lines had been honestly followed out to good results;

Digitized by Google

not because she believed that examination was the only factor in education, but simply because examination was the only function which she was able to discharge thoroughly well. She resolved that her degrees should no longer pretend to represent more than they actually represented—accurate knowledge, tested at fixed intervals, by the most competent persons she could find.

Does anyone doubt that similar experience would come in time to the Northern University, if it were to receive a charter incorporating a number of colleges, and empowering a central governing body to admit to graduation only those students who brought certificates of attendance at one of those colleges? Any rigid definition, inserted in the charter, of the conditions under which such certificates were to be granted, would seriously fetter the discretion, and hinder the free development of the colleges, and would soon be felt as a grievance. This matter would almost of necessity be left to the interpretation of the authorities of the several colleges, and they would not all interpret their duties in the same way. We can easily judge what would be the value of the 'collegiate training' so certified. Ere long, the new university would find its position untenable, would become conscious of the injustice of excluding from recognition the many students in the North of England, who, in remote places had been helped by a clergyman or an erudite parent, to acquire instruction fully as sound and valuable as that obtainable in a college; and would inevitably be asking for new powers, enabling it to throw open its degrees to all comers. And when this has happened; there will be two open universities in England instead of one. We are not told whether the new one is to differ from the old in having less severe examinations, or in establishing new degrees, or in conducting its examinations by a new method, or in offering to students a wider range of alternative subjects. At least it is not likely to secure a body of examiners of higher qualifications But we know it will, and must differ from the present London University in being younger and in having less experience; in being less thoroughly emancipated from the control of those who have the interests of particular colleges to serve; above all it will differ from it in being essentially provincial, instead of central and imperial. And in all these respects, it is not too much to say that it will differ for the worse.

The advocates of both the projects now under consideration —that for a chartered University at Manchester, and that for a chartered confederation of northern colleges—agree in assuming the truth of two propositions: (1) that what is called

Digitized by Google

'collegiate education,' that is, knowledge imparted by professors in institutions of a particular type called colleges, is, necessarily and in all circumstances, truer and sounder knowledge than that which is acquired in other ways; and (2) that knowledge obtained in this particular way is the only knowledge which the State should permit to be attested and rewarded by a degree. Neither of these assumptions has yet been proved; and I venture to submit that both of them are unsound. And, what is more, having regard to the way in which new educational agencies are multiplying all around us, I believe both hypotheses to be mischievous. For in just the proportion in which you insist on identifying the highest intellectual distinctions with the employment of a particular machinery, and refusing the 'mint mark' to all gold which is not refined by a particular process, you discourage the use of all other processes, and the invention of any new machinery. At Oxford and Cambridge there are many excellent reasons for the system which exists. That system is a compromise. It is partly the heritage of an elder time, when instruction in colleges was the only mental training attainable, and partly the product of modern experience, which is tending daily to make the examination test more important, and to relax the requirement of residence. Those who enter into this ancient inheritance may be well content to comply with the historical conditions which are still necessary, in order to obtain a degree. But to set up these conditions now in brand-new institutions, which are the product of our own altered circumstances, appears to me wholly indefensible. If, as we all believe, colleges are, in the main, better fitted to train learned men than any other known agency, then, we may be sure, the 'collegiate system' will hold its own, and the great majority of those who desire a liberal education will seek it in those institutions. But if a true liberal culture, and sound, well-digested knowledge can be obtained in other ways; —and few of us will deny that this is at least conceivable— then the rewards of learning ought to be made freely accessible to all who possess it, without insulting some of them with the declaration, that a non-collegiate is of necessity inferior in value to a collegiate degree.

What, then, is to be done? I believe that the highest interests of learning, and the true interests of these modern colleges themselves, will be best subserved by leaving those institutions independent; and at full liberty to adapt themselves, each in its own way, to the requirements and aspirations of the communities in which, and for which they exist. For though competition among different bodies in the business of

Digitized by Google

granting degrees is obviously mischievous; rivalry among teaching bodies in the invention of new methods, and in offering attractions to students, is a clear advantage to the community. It is very doubtful if the new Northern colleges would gain anything by confederation. It is certain that they would lose much. It is impossible that they could be incorporated together, I mean in any real and vital sense, for degree-giving or other purposes, without parting with much of their independence, and placing restrictions both on their own free development and on their means of usefulness. It happens that the Bristol University College owes its origin in great measure to aid received from two of the colleges of Oxford; and that thus a link of association has been established, in a perfectly natural and right way, between that rising institution and the ancient University. It seems not unlikely that the great new College at Nottingham, will in some way be similarly linked with the University of Cambridge. These experiments are interesting, and may in time lead to some arrangement, whereby attendance at one of the provincial colleges shall count as part of the statutory residence required for a degree at one of the older Universities. Any scheme, such as is now being so hopefully carried out at Hull, with a view to give fixity and system to the 'University Extension' Lectures, may probably tend to increase the number of provincial centres, which are brought into some sort of organic connection with the older Universities. 'Solvitur ambulando.' There is much hope in the efforts which are being put forth by those ancient corporations to find new fields of usefulness in remote industrial towns. The Commissioners now sitting will, it is to be hoped, devise some means, either by the establishment of provincial lectureships, or fellowships, or otherwise, of strengthening those efforts and making them permanent. But do not let us in the meantime repeat at Manchester the mistake which has been made at Durham, and establish in the North of England a new University encumbered with those very traditions and theories about academic residence, which even Oxford and Cambridge are beginning to shake off. There is already one University in England entirely free from such traditions. It has acquired the public confidence. It offers to students of very different tastes and pursuits a wide and varied curriculum. It fosters the ancient learning, the *literæ humaniores*, and at the same time seeks by its regulations for the degrees of Bachelor and Doctor of Science, to encourage those who are seeking their intellectual and scholastic discipline in the study of more modern subjects. No one has ever questioned the competence of its

Digitized by Google

examiners, the thoroughness and severity of the tests it employs, or the absolute equity and independence with which it treats all candidates—collegiate and non-collegiate—who present themselves. I am not insensible to the defects of the University of London. As a member of its Senate, I have long felt anxious that some closer relation could exist between the University and the great teaching bodies which provide us with most of our best students. That relation is, however, already closer than is generally supposed. For our examiners are largely chosen from the most eminent and skilled teachers in the country; and the University has often numbered, and still numbers, among its most valuable examiners, some of the Professors of Owens College itself. In this way the views and wishes of the most distinguished persons engaged in collegiate education, are constantly brought to bear on the amendment of the curriculum and the conduct of the examinations. It is, however, to be desired that fuller and more systematic provision should be made for keeping the central examining authority in close and intimate *rapport* with the great teaching bodies. Whether this object can best be attained by the method of direct representation of the larger colleges, on the governing body; by annual conferences, or by formal representations to be periodically made to the Senate, is a question of detail which we could not usefully discuss now. I, for one, earnestly desire that in some way or other, the object may be soon achieved. Meanwhile, I venture to submit to this Section of the Association, that no adequate reason has yet been given for establishing a new examining body merely to define courses of instruction, and to confer degrees specially adapted to the intellectual character of the North of England. We are not yet informed what are the peculiar characteristics of Northern learning or Northern intelligence to distinguish them from those of the rest of the Kingdom. And it seems to me, on the whole, that the true solution of the interesting problem now under consideration, is that foreshadowed by Sir Stafford Northcote, in the guarded speech with which he took leave of one of the deputations on this subject, when he hinted that it might be well, first to see what could be done with existing machinery and resources, before deciding on the creation of new.

Digitized by Google

The University Question discussed by a Member of the Yorkshire College. By J. D. HEATON, M.D., Chairman of the Council.

IT is just fifty years since the institution, which is now known as the University College, London, took its origin under the more ambitious title of the University of London, with the intention of providing, for the middle classes of our population, that liberal *education* and opportunity of acquiring *academic honours* which in England had hitherto been open only to those to whom the greater expenses and the exclusive religious formularies of the old Universities were not prohibitory.

The new institution, however, failed to obtain from the Crown that privilege of conferring degrees upon its own students which was part of the original conception of its founders. King's College, London, was established about the same time, and it might have maintained an equal claim. The less ambitious title of *University College* was, therefore, ultimately adopted, and its operations were necessarily limited to the important work of *instruction*, in which it has now established a high and wide reputation, and has been of the greatest service in extending the advantages of a liberal education, and promoting a taste for learning and intellectual culture amongst the middle classes of England.

But the movement in favour of a new University, on a more liberal and comprehensive plan than that of Oxford and Cambridge, did not die away. It led directly to the establishment, by the Government, not long afterwards (in 1835), of the existing University of London, as a distinct and independent body; but with which University College and King's College, London, were specially affiliated by the Charter of the University. In addition to these two, other colleges and schools, whose educational powers and efficiency were from time to time approved by the Senate, were allowed to send up their students for examination for degrees in the various faculties in the new University. And, after the experience of some years, the restriction, in accordance with which only students coming from some recognised college were admissible, was altogether withdrawn, except as regards the faculty of medicine; so that candidates for degrees in the other faculties became admissible to the examinations, without restriction as to the mode of their previous education; the only requirement being that of their competency to pass the necessary examinations.

The severe and searching character of these examinations,

Digitized by Google

and the perfect *impartiality* of its action, have gradually raised the degrees of the University of London to a high rank in the public estimation. The Convocation of the graduates of the University is now a numerous and influential body including many men who have attained to the highest distinction in the professions of Law and Medicine, and in Literature and Science.

Many colleges and schools throughout England, having no affiliation with the older Universities, have, since the foundation of the University of London, gladly availed themselves of the opportunity which it affords to them, whereby their students may test their proficiency, and acquire university honours recognised and appreciated in our own country.

Like other colleges of less magnitude and importance, the Owens College, Manchester, has hitherto sent up students as candidates for graduation in the University of London, though in no great numbers. This college, founded twenty-eight years ago in the City of Manchester (the centre of the great wealth and population of the county of Lancashire) by an original bequest of nearly 100,000*l.*, and subsequently greatly enriched by further bequests and munificent donations, has secured a position of stability from its large endowments, and efficiency from the number and ability of its professors, and the great range of subjects over which their teaching is made to extend, with which perhaps no other isolated college in England can at present compare; and, having attained to so high a position as a college, it has now the not unnatural ambition to acquire for itself the rank and the privileges of a university; so that it may, as the University of Manchester—whose governing body shall be identical with that of the college, but with some additions from without—examine and admit to graduation such of its own students as desire academic rank, without the necessity, any longer, of having recourse to the University of London.

About two years ago the authorities of the Owens College publicly announced their intention to promote the formation of the University of Manchester; and in July 1877, an influential deputation waited on the Lord President of the Council to present a memorial praying that the Owens College should be constituted the University of Manchester, with power to grant its own degrees in Arts, Science, Medicine and Law. The memorialists urged, in support of their petition, the important advantage which would accrue to the college were it able to arrange the curriculum of study for its students, and to regulate their examinations for degrees, in accordance with the views of its professors, which it cannot do whilst dependent for

Digitized by Google

graduation upon the University of London, in whose councils it has no part, and over whose regulations it exercises no influence.

This proposal was speedily met by a considerable amount of public opposition. Besides the strong opinions expressed by many leading educationists and public men, whose influence and sound judgment command much consideration, against the expediency of any increase of the number of degree-giving bodies in this country—much objection was expressed to the particular scheme for a *University of Manchester* propounded by the Owens College. It was thought to be calculated rather to raise the prestige of the Owens College, than to promote the cause of higher education generally. Other educational institutions in the North of England, and especially in the large populations of the West Riding of the neighbouring county of Yorkshire, saw that this scheme of raising one college to a higher rank would have the effect of permanently depressing others, which could no longer compete upon equal terms with the college, or university, possessing the exclusive power of conferring degrees on its own students. Especially the Yorkshire College, which has its centre in Leeds—a younger institution than Owens, possessed of no rich endowments, promoted and hitherto maintained by voluntary effort, but showing much vigour and making good progress during its existence of four years—considered that it would be very seriously disadvantaged by such unequal rivalry of a neighbouring college converted into a university; and that this burden of inferiority, if once imposed, was one which could never be thrown off; for such a multiplication of universities as would result from the establishment of one successively in each large town possessed of a college was generally considered most undesirable and altogether out of the question.

To subdue opposition and to conciliate the objectors, the Owens College pointed out that its scheme provides for subsequent *affiliation* with the University of Manchester, of approved colleges, when they should have attained such stability from endowments, and such provision for the extent and variety of teaching, as should be deemed a sufficient qualification for this privilege. This concession was not, however, accepted as satisfactory. It was urged that whilst other colleges were awaiting the time when they might be admitted to affiliation, the Manchester college, possessing powers and privileges altogether exclusive, would have strengthened the supremacy which the title proposed for the new University distinctly recognised; and that, when any other college did attain to affiliation, it

Digitized by Google

would still hold a position subordinate to that of Manchester, and would have little power of promoting its own interests against the established system and the majority of numbers possessed by the already existing authorities. The various provincial *Medical Schools* saw in the Manchester scheme a dangerous encroachment upon the equal conditions under which they have hitherto competed with that of Manchester. Should the Manchester medical school (which is now incorporated with the Owens College) acquire the power of conferring degrees in Medicine upon its pupils, which no other medical school would possess, it was manifest that it would be enabled by this advantage to attract to itself students who would otherwise naturally tend to other schools, which would therefore unduly suffer by this unequal rivalry.

Thus it will be seen there were two classes of objectors to the scheme for a University of Manchester as propounded by the Owens College. There were those who objected to the formation of *any* additional University; and there were those who would not oppose the foundation of a new University to meet the special wants of provincial colleges, upon some equal and comprehensive plan, but who felt obliged decidedly to oppose the too narrow and exclusive scheme for the Manchester University.

With the Yorkshire College, and other schools and colleges of Yorkshire and neighbouring counties, there had arisen no spontaneous desire, at the present time, for a new university which might be more specially adapted to their wants. And when the Manchester scheme was made public, perhaps the first feeling which prevailed was against the expediency of the acquisition of university powers by *any* provincial institutions. But upon further consideration many became reconciled to the proposal, others heartily espoused it, if on some equitable plan; and there was the general disinclination to oppose the wishes of their elder sister of Manchester (with whom hitherto they had striven in harmonious co-operation), to any extent beyond that which a necessary regard for their own protection and the maintenance of fair and equal rights imperatively demanded. The result was a rather general agreement in favour of a new university, but upon the conditions: (1) That the governing body should be an entirely new formation of independent members, and not a transference of the office bearers in any existing college; (2) That all colleges incorporated with the university should enjoy equal privileges, and be equally represented in its government, in proportion to their size and influence; and (3) That some *general* name should be

Digitized by Google

given to the new university, rather than the name of the locality of a particular college.

To represent these views, a memorial was prepared, addressed to the Duke of Richmond—the Lord President of the Council—which soon received very numerous and influential signatures; and (in the unavoidable absence of the Archbishop of York) it was presented on May 15 by the Marquess of Ripon, supported by a deputation remarkable for the importance and influential character of the gentlemen of whom it was composed, and the variety of the interests which they represented.

The publicity of the presentation of the two memorials to the Privy Council by influential deputations, and the discussion of the proposals which they advocated, by letters in newspapers and articles in periodicals, have brought this question of a new university, or universities, for England prominently forward at the present time. Probably in the multiplicity of writing on this subject which has appeared during the past two years, every shade of opinion has been advocated and opposed.

In this contest we may, however, recognise three distinct and tolerably well-defined parties:

1. Those who would admit of a considerable *multiplication* of universities, each possessing the independent power of conferring degrees on students in its own schools.

2. Those who object to *any* addition to the number of existing English universities, as unnecessary and prejudicial.

3. Those who admit, or maintain, the necessity of *some one new* university to provide for new requirements resulting from the recent multiplication and development of educational institutions, especially such as are intended to promote high education among the middle classes.

Of these, the first two parties stand distinctly opposed to each other; the third party includes several varieties of opinion, both as to the *degree* of necessity for a new university, and as to the particular *constitution* and *powers* with which such an institution should be invested. Hence many of its partisans shade off into one or other of the first two parties; and among the promoters of the Owens College scheme for a new University of Manchester are those who recognise in this the first step to the foundation of universities in *several* of our large towns possessing colleges of science and literature; whilst amongst the supporters of the second memorial—which prayed that *if* Her Majesty were pleased to create a new university, she would not grant the charter to the Owens College, Manchester, but to a new corporation with power to incorporate

Digitized by Google

colleges, and having no local title—there were several who did not conceal their conviction that existing universities might be so modified as to meet every real want, but who supported the conditional prayer of this memorial as suggesting a scheme less likely to lead to *further* subsequent *increase* of degree-giving bodies than was the scheme of the Owens College.

Of these various opinions I think that which I have named first has had the fewest supporters. Amongst those who are in favour of increasing the number of universities by conferring on colleges the power of granting degrees to their students, I must mention the name of the Right Hon. Dr. Lyon Playfair, M.P. for the Universities of Edinburgh and St. Andrews, whose opinion is entitled to the greatest respect and consideration. I am not aware that he has taken any part in the discussion of the University question at the present time, though his opinion has been expressed thereon, and his views may be taken as representing those favourable to a multiplication of universities. In an address by him, published in 1873, Dr. Playfair argues in detail in favour of this view.[1] He points to the existence of numerous universities in Germany as an example worthy of imitation; each independent, though receiving Government aid; some of which have attained high reputation, from the eminence of their professors, as schools of learning and original research, and have tended to diffuse around them the love and cultivation of learning and science. But it must be remarked that they have effected this rather as *teaching colleges* than as examining universities; and, on the other hand, the disadvantages which may result from the multiplication of universities beyond restricted and necessary limits has been shown both in Germany and in America, by the discredit which some of the universities of those countries have brought upon their degrees by conferring such doubtful honours for a small pecuniary consideration upon applicants unexamined and even unseen.

Goldwin Smith, who, as himself now an American professor, can have no undue prejudice against the universities of his adopted country, speaks of the precedent of the United States as a beacon of warning, not an example to be followed. The result of the large number of degree-giving bodies is a general depression of the standard, and depreciation of the degrees. He remarks that in favour of the multiplication of universities may be alleged the advantage of a stimulating competition; but that this may assume the desirable form of rivalry in educational excellence, or the undesirable

[1] On Teaching Universities and Examining Boards. Dublin, 1873.

Digitized by Google

form of emulous facility in granting degrees; and that the second result *is* possible is proved by the experience of weak universities in these islands, on the Continent, and in America. In a weak institution the power of granting degrees might become its only means of subsistence.[1]

It may be anticipated then that the multiplying of universities in this country by giving to teaching colleges the power of conferring degrees on their own students after examinations held chiefly by their own professors, would have a similar effect in lowering the standard, and reducing the value of degrees in public estimation; both by cheapening the degrees, as the natural commercial result of active competition; and by the perhaps unconscious leniency of teachers towards their own pupils, in whose success they must feel a direct personal interest.

II. The consideration of the disadvantages to be anticipated from the multiplication of Universities has impressed upon the minds of many the conviction that *any increase* to the number of our existing Universities is unnecessary and would be prejudicial. Of course the arguments *opposed* to the former proposition are those which *support* this *contrary* conclusion. Probably some can recognise no necessity for *any change* in the existing facilities for the acquisition of degrees, or the present relations between colleges and universities. But I gather that amongst those who would deprecate any addition to the numbers of our Universities, there are many who recognise the desirability of such modifications in the constitution of some one or more of our universities, as would enable them better to meet the requirements of isolated Colleges and to promote the efficiency and success of their operations.

There have been various proposals of affiliation of provincial colleges with our ancient Universities of Oxford and Cambridge. And these dignified bodies have shown themselves not unwilling to extend their fostering care of learning beyond their own precincts. Middle Class Examinations, and University Extension Lectures, both bear witness to the sincere disposition of Oxford and Cambridge to adapt themselves to modern requirements, and to act up to their great responsibilities as institutions belonging to the whole of England.

The admission to their degrees of *non-resident* students would, however, be a very important innovation, and would be regarded by many as open to grave objections. But even

[1] *Fortnightly Review*, January, 1878, p. 91.

Digitized by Google

such a liberal extension as this has been favourably considered by men of high position in the Universities.

Dr. Acland, the Regius Professor of Medicine in the University of Oxford, when addressing the Duke of Richmond, in support of the memorial against the scheme for a Manchester University, said that 'He cordially agreed, on every ground that had been stated, that if there were a new University, it ought to be created by *a confederation of various colleges*; but he would like to be satisfied why the four Universities of England failed to meet the requirements of the country. Whether it were not possible that some affiliation might take place with other large towns. If there were wants in the old Universities, the chief of them had arisen from the imperfect connection of the ancient culture of the old Universities, with the progressive intelligence and manufacturing skill of the towns in the North; and he would say that it could not be otherwise than a very great advantage to the striving, competing, energetic population of the North, to have links with the abstract culture which was characteristic of the old Universities.'

Professor Goldwin Smith, in his article in the *Fortnightly Review* for January of this year (1878), already quoted, also argues in favour of the affiliation of provincial Colleges with Oxford, 'a plan,' he says, 'which has received an amount of support which may be regarded as morally equivalent to a favourable verdict.'

But it is to the *University of London* which, like the Metropolis itself, belongs to all England, that many would naturally look for the means of providing for the present demand on behalf of provincial Colleges. For this very purpose it was constituted; hitherto it has fulfilled that purpose with good results; and if now its existing constitution is found not fully to meet the increasing demands of the educational progress of the country, is it not better in the first place to inquire whether its constitution may not be altered and adapted to meet these demands, by bringing the governing bodies of the Colleges into closer relationship with the University, rather than to introduce the greater and more questionable change of the establishment of an entirely new source of University honours? The difficulty of effecting such relationship would not seem to be insurmountable. The Annual Committee of Convocation, after much deliberation, have this year reported to that body, 'That it will contribute to the future reputation and usefulness of the University, that there should be closer union between the central body and the teaching Institutions;' and, upon their recommendation, Con-

Digitized by Google

vocation has adopted the following resolution: 'That, while Convocation recognises the advantage of Examinations conducted by a body *independent of* the teachers of the candidates for degrees, it also recognises the fact that Examinations exercise an important influence on the course of study pursued in the institutions where candidates for degrees are chiefly educated; and that with the view of creating and preserving a harmony between the requirements of the University and the course of study pursued in those institutions, it is expedient that they should be brought into *closer connection with the Senate.*'

We see, therefore, that the very disadvantage to colleges now sending their candidates for graduation to the University of London, which has been set forth as the strong argument in favour of a new University, is recognised by Convocation, and that the attention of the Senate is drawn to the defect with a view to providing a remedy.

If, instead of seeking to obtain a new University, colleges were to urge such closer connection with the University of London, there is little doubt that their efforts would be successful. And is it not a very probable conclusion that their students would take a higher place in public estimation as graduates of the *University of London,* than they would do in a Manchester University, or any other newly constituted University?

III. This brings me to the consideration of the third proposition which has commanded the support of a large and influential party, viz.: that there is a need at the present time for some *one* new University to meet the new requirements of educational progress. Whilst agreeing in this general proposition, its supporters are divided into two very distinct parties, as we have seen already: those in favour of a Manchester University, constituted chiefly out of Owens College, but with power to *affiliate* other colleges; and those who resist such localisation, and demand a perfectly independent University with which colleges may be incorporated upon equal terms. The objection urged to the Manchester scheme is that it is too monopolising; with the profession of promoting education generally, it would practically promote the Owens College to the permanent disadvantage of kindred institutions.

Dr. Carpenter, in a letter in the *Spectator,* in June of this year, maintains that a University constituted according to the Owens College scheme, must continue to be essentially the Owens College University.

It may be questioned also whether the Owens College

Digitized by Google

scheme would tend permanently to elevate the character of the education given even by that College. We can see the possibility that when distinguished and strengthened by its new privileges (a monopoly of which its own professors do not conceal that they expect to enjoy for many years to come[1]), it no longer is liable to active competition of other colleges, it may care rather to multiply the number of its students and its graduates, than to maintain the high character of its teaching, and of its examinations for degrees.

As between the two schemes for a new University, the Yorkshire College unhesitatingly expresses itself in favour of the more liberal and equal scheme of an entirely independent University, which would encourage and stimulate all its affiliated colleges alike.

I should state that at the present time an attempt is being made to arrive at some compromise or arrangement of the points of difference between the two parties, by the suggestion, and under the auspices of, his Grace the Duke of Devonshire, who is the president of the Owens College, and whose son, Lord Frederick Cavendish, is president of the Yorkshire College.

Upon the question whether some one new University is really needed—whether the possible disadvantage of lowering the standard for graduation and the value, in public estimation, of degrees, by the addition of another degree-giving body, is more than counterbalanced by the assistance and support which it may afford to provincial collegiate teaching;—and whether the University of London may not be so modified as to be adapted to the requirements of provincial colleges, whilst avoiding at the same time the possible evil of increasing the number of our existing universities, I have endeavoured to indicate the various arguments.

For myself, I say that whilst recognising advantages which a perfectly independent provincial University might confer on colleges confederated with it on equal terms (were there no other means of providing for their wants), yet I hold that before effecting so great and serious an innovation as the foundation of a new University, it is right to consider, in the first place, whether the University of London may not be so put in relation with the principal provincial Colleges as to enable it to satisfy their requirements, and confer on their students degrees more honourable than would be likely to emanate from a provincial University.

The majority of those with whom I have co-operated in pro-

[1] *See* a statement by the Professors of the Owens College in the *Manchester Guardian*, December 29, 1877.

Digitized by Google

moting the establishment and progressive development of the Yorkshire College are, I believe, in favour of a new independent University.

There is undoubtedly at the present time an increasing demand for learning and intellectual culture in our large centres of manufacture, arising out of the large acquisition of wealth, and the facilities for taste and refinement afforded thereby; and arising also out of the conviction in observant minds patriotically interested in the continued prosperity and progressive development of the commerce of the nation, that science must now be intelligently applied to the improvement and perfection of manufacturing processes, and that in order to do this the means must be provided whereby the manufacturers themselves may be thoroughly instructed in the scientific principles upon which their processes depend.

Whether this demand can be best and most effectively met by some modifications and extension of the powers of existing Universities, or by an addition to their number; and, if such increase be decided on, what shall be the nature and constitution of the new institution, are the questions now before the country. They have acquired their present interest upon the application for University powers by the Owens College, Manchester. But these questions, of *great national importance*, should, if possible, be discussed and finally decided, independently of local interests and of all party feeling. The pressure of influences favouring rather the prosperity of an institution than the greater interest of the nation, should be entirely excluded from this discussion; and then the object of all who take part in this movement will be to secure the highest development and diffusion of sound learning and high culture, the true wisdom of the people, and the greatness and prosperity of the *whole nation*.

Scheme of Affiliation, proposed by the Corporation of Nottingham, referred to by Mr. S. G. JOHNSON, *in his subsequent speech.*

Its origin.—In the autumn of 1873, the University of Cambridge, in compliance with several memorials which had been presented requesting it to undertake to conduct a system of higher education, commenced what is popularly known as the Cambridge University Extension Scheme; a plan which has for its object the bringing the influence of the Universities as a teaching body to bear on the large towns. The work was commenced by three Fellows of Trinity College, who conducted courses of lectures and classes in Nottingham, and some of the neighbouring towns, during the winter of 1873-74.

Digitized by Google

The interest excited by these lectures and classes was considerable, and early in the year 1875, a gentleman of Nottingham, who desired to see this form of education under the direction of the Universities extended and established, offered to give 10,000*l.* towards an endowment fund, if the Corporation, who were then contemplating the erection of a new Museum, would include in their plans such lecture-rooms, class-rooms, and laboratories as would be required for the establishment of a College in connection with the Universities in the town of Nottingham. This liberal offer was, after some discussion, accepted, and the foundation stone of the new College, which, together with the Free Library and Museum, will, it is estimated, cost, exclusive of the site, 60,000*l.*, was laid on September 27, 1877, by the Mayor. The Corporation anticipate that the new buildings will be completed in the course of the ensuing year. The name given to the buildings is the 'Nottingham University College,' by which it is intended to signify that the College is in connection with the Universities.

The efforts which the University of Cambridge has made to promote higher education in Sheffield have led to a somewhat similar result. Mr. Mark Firth, the Chairman of the Committee which has been conducting the Cambridge lectures and classes, has munificently given 20,000*l.* for the erection of a College. The building is now in course of construction, and it is intended to open it on the occasion of the visit of the British Association to Sheffield next autumn.

Petitions for Affiliation.—In view of the speedy completion of University College, Nottingham, the Corporation of Nottingham have memorialised the Universities of Oxford and Cambridge to obtain powers to affiliate such colleges to themselves, on the ground that their educational work has hitherto been under the direction of one of these Universities, and that they would prefer to be joined to one or both these Universities rather than form a part of a new institution, such as a Northern University. A somewhat similar memorial has been sent from those interested in Firth College, Sheffield.

It seemed to the memorialists that the existing University Commissions afford an opportunity for a readjustment of the relations of the Universities and the great towns, and that some scheme of affiliation might now be framed. Should their request be granted, they are, on their part, prepared to frame the constitution of their colleges, and the course of education pursued according to such regulations or conditions as the Universities may think fit to impose on affiliated colleges.

Digitized by Google

The following extract from the Nottingham Memorial states the views of those desirous of affiliation:—

'Your memorialists desire to adopt such a constitution as will secure to the students the best practicable course of study while at Nottingham, and will at the same time enable and encourage them (so far as their individual means allow) to participate in the higher advantages which a residence in a University would afford them.

'That the success of this and other local colleges will mainly depend upon the relation which they may bear to the University or Universities to which they will look for granting degrees.

'That it is therefore of the utmost importance that the Universities should have the ability to establish such relations with local colleges as will best tend to foster and encourage them.

'That your memorialists earnestly desire that advantage should be taken of the existing Commissions to confer upon the Universities of Cambridge and Oxford such powers as will enable them at any time, if they think fit, to accept the affiliation of local colleges under such conditions as may be most beneficial both to the local college and to the University.'

The educational department of the Crystal Palace, who have under instruction about 600 students, and the Council of the Royal Institution at Hull, have both memorialised the Universities, and prayed them to grant the request of Nottingham and Sheffield, because they hope to develop the institutions under their care into colleges for their respective neighbourhoods, and look forward to being, in course of time, in a position to avail themselves of any such scheme of affiliation.

The following passages, quoted from the memorials, give the substance of their request:—

'The educational department of the Crystal Palace hope in time to develop their institution into a College for the South of London, and they have little doubt but that in time they will be able to satisfy any conditions which the Universities may impose as the necessary requirements of affiliated colleges.

'That a statement by the Universities of the conditions with which all institutions desiring affiliation must comply would give definiteness and stimulus to the development of the Crystal Palace School of Art, Science and Literature.'

The Hull memorialists 'believe that it is of the first importance that the institutions for higher education, which are rising in the large centres of population, should be placed in

Digitized by Google

close relationship with the old Universities. They believe further that if the Universities were empowered to grant some degree as the reward of systematic study in the local institutions, or to reduce the term of residence for students at these institutions, a great want would be supplied to professional and business men who are at present debarred from University training; while at the same time a powerful inducement would be offered for the erection of colleges in places where such institutions do not at present exist.'

Privileges desired.—The memorialists hope that the Universities will grant to all such affiliated colleges certain privileges, among which may be mentioned: 1. The granting of some title to all those who satisfactorily pass through a prescribed course of study and examinations at one of these affiliated colleges. 2. That those who have received such title, and proceed from these colleges to one of the Universities, shall be permitted to obtain the Bachelor of Arts degree in less than the three years now required for residence.

Probable benefits of affiliation.—The advantages which the memorialists expect to accrue from a scheme of affiliation are as follows:—

1. The creation of a number of degree-conferring bodies will be rendered unnecessary, and the deterioration in the value of degrees, which would result therefrom, will be prevented.

2. The affiliated colleges will share in the prestige of the ancient Universities to which they are affiliated, and the standard of their examinations will be regulated by an educational body of great experience, who have a reputation to maintain.

3. The direction, advice, and counsel which the parent University will give to its affiliated colleges will be invaluable, and is not in any way likely to prevent any independent development which the peculiar circumstances of any locality may require.

4. Such a connection would naturally lead many of the most promising students to desire to proceed to one of the Universities, and after a short residence to compete for its honours and emoluments; and the memorialists regard residence at the Universities and participation in the social and intellectual influences which they afford, as so important that they wish as many as possible of their students to complete their education by a short term of residence.

5. Such a scheme of affiliation, if granted, will prove a powerful stimulus to a higher education throughout the

Digitized by Google

country, as it will hold out an inducement to all large towns to establish a local affiliated college, and will, by specifying the conditions of affiliation, give definiteness to the aims of those who are now labouring to advance higher education in our populous centres.

6. Such a connection is likely to act favourably on the Universities in many ways; it is certain to increase the numbers of their students, and especially of those who desire a scientific training; and probably a system of interchange of teachers would grow up, which would be beneficial to the Universities, as well as to their branches.

7. The affiliated colleges will help to keep the Universities *en rapport* with the educational wants and requirements of the great mass of the nation.

8. Local colleges, which are independent and self-sufficient, are more likely to fall into a condition of stagnation and decay through the mismanagement of the local committee or the inefficiency of a principal, than those which are parts of a greater and more wide-reaching organisation.

Such are the aims, such the desires of those who have memorialised the ancient Universities to affiliate local colleges. There has not yet been time to ascertain how the Universities will regard their request for affiliation, as a syndicate has only just been appointed to consider the memorials; should they grant it, the creation of a number of branches throughout the country cannot fail to strengthen the old Universities, and a happy solution of their relation to the new teaching bodies will be effected.

DISCUSSION.

Mr. S. G. Johnson (Nottingham) explained the scheme set forth in the Paper circulated, and proposed by the Corporation of Nottingham, for the affiliation of the local College to the existing Universities. Nottingham was essentially a manufacturing town; and although it had sometimes been said that higher impulses were rare in such a community, yet a strong movement, emanating, not from the middle classes, but from the working men, had found a footing there in favour of higher education. The results already attained had been tested, and were not found wanting. They had had five sessions of University extension education, during which 7,149 persons had attended lectures and classes. The lecturers were appointed by a syndicate of the University of Cambridge. The admission fee was very small; the lectures and classes were open to all persons who chose to attend them.

Digitized by Google

The movement was at first sustained by voluntary contributions, but it became so important that the Town Council, in response to an appeal made to them, sought Parliamentary powers to build a college and support it out of the rates of the district, if necessary. This was, he believed, the first instance in municipal history where such an attempt had been made; and he claimed for Nottingham the credit, which was due to it, as being the first corporate town to take so important a step. A building was in course of erection for the purposes of the College; and, with a view to the permanency and consolidation of the work thus auspiciously commenced, application had been made to the Universities of Oxford and Cambridge to affiliate the College to their institutions. As men busily engaged in the practical duties of everyday life, the promoters of the scheme felt themselves unequal to the task of guiding and directing the movement they had endeavoured to set on foot. They therefore called upon some one of the great educational institutions of the country to come forward and render the assistance desired. If the latter failed to give the required guidance they would assuredly fail in their duty. Committees had been appointed for the purpose of carrying out all the details of the scheme, and all they needed was a distinct recognition from one, at least, of the Universities. The movement was, in that respect, tentative. When the Oxford and Cambridge Bill was before Parliament, in 1877, the 18th section of that measure was materially modified, in consequence of representations made from Nottingham, so that the Universities might have the power of dealing with such a case as theirs. What they meant by affiliation was that, after consulting with them, but without being bound down by any local notions, the University should, in agreement with them, prescribe the curriculum of study; that the University should appoint men to come to the town to see that the curriculum was faithfully carried out; and that, under such circumstances, residence in a local town should be counted for residence at the University itself, so far as the emoluments of the teacher were concerned. The promoters of the scheme also looked forward to the large number of students—the cream of them—who would desire to go to the Universities. This hope was encouraged by what had already occurred. Within his own knowledge young men of the middle class, quickened by the course of studies prescribed by the University Extension scheme, had afterwards proceeded to the Universities. By affiliation was also implied that, in some way or other, the Universities should be able to put a stamp upon the work done; not only controlling the course of instruction, and the method of teaching, but placing some mark of value upon the attainments of the students in the various classes. This, he suggested, might be accomplished by permitting such students as attained a certain position to go to the Universities, and, after a short term of residence, to take their degrees. The objection might be raised that the Universities of Oxford and Cambridge might possibly refuse to meet the promoters of the Nottingham scheme, and the movement must consequently die out, unless they affiliated with another University. His reply was, 'Sufficient unto the day is the evil thereof;' but supposing the question

Digitized by Google

should arise, they might then, as had already been intimated in their memorial, submit the whole of their course of study and curriculum to such a University as Owens College would be if it were empowered to grant degrees. Another characteristic connected with the Nottingham movement was the large number of lady students who had frequented the classes and distinguished themselves in the examinations. He was not quite aware how the existing Universities would propose to deal with women who had passed through a successful local course. Cambridge was now opening its doors to the affiliation of certain colleges designed exclusively for the higher education of women; and perhaps the Nottingham female students could be sent there. Sending women away from home rendered the question a difficult one; and unless the Universities met their requirements, and marked their work in some definite form, as carried on in their own locality, he feared that very much of the good which they might otherwise do must fall to the ground. Therefore, the promoters of the Nottingham movement stood exactly in this position: they had a large number of men and women desiring higher education, and they were asking Oxford and Cambridge to come and help them. If these Universities refused to respond to that call the promoters of the movement would have no alternative but to associate themselves with a teaching body competent to conduct them safely in the course they should take; and, under all the circumstances, the best college with which they could associate themselves was Owens College, provided it had the power given it of granting degrees.

Mr. James Heywood, F.R.S. (London), said, with reference to the question of a new Northern University, it was satisfactory to know that there was a probability of a compromise being agreed upon between the Owens College, Manchester, and the Yorkshire College, at Leeds, and other similar institutions. The terms he had heard suggested were: that the first principal officers of the new University should be selected by the Owens College, as the Chancellor and Vice-Chancellor; and that, subsequently, when vacancies occurred, the next Chancellor and Vice-Chancellor should be nominated by the confederation of colleges. Among the large towns in the North of England there was a very widespread feeling in favour of a new University. They were not satisfied with having merely local colleges, sending up their students to the London University for examination. The University of London enjoyed, to a large extent, the confidence of two important scientific bodies—the College of Physicians and the College of Surgeons—both of which approved of a very high system of matriculation. He thought that matriculation in nine subjects was a qualification higher than was requisite in the great commercial towns. Indeed, he supposed that if there were a new university it would be necessary to have a general as well as a professional matriculation. When he was a young man he was sent to Edinburgh to attend the scientific lectures. There was at that time no examination at matriculation for general students in the University of Edinburgh, and the College lectures were open both to general and professional students. Now, the people of Manchester and its vicinity had a first-rate scientific and literary institu-

Digitized by Google

tion of their own in the Owens College, which had been a great success, as shown by the large number of students, especially in chemistry. Indeed, he believed it was the first chemical school in Great Britain. It was not convenient that all the students in the large towns or the North should have to go to the University of London for examination. If it were allowed that they might be examined by papers sent into the provinces, the examination in high scientific subjects would be partly conducted in the presence of the examiners, and the candidates would go through certain experiments, in order to show their practical knowledge in chemistry, physiology, or mechanics. Therefore examinations in higher branches of learning would require the attendance of candidates in London. There is a doubt if the University of London meets the case of students who intend to be Dissenting ministers. Many of these students would like the privilege allowed to Oxford and Cambridge, of having the Greek Testament among the subjects required in the examination for an ordinary degree. If a new university were formed it would probably be asked to permit the Greek Testament as an optional subject for a B.A. degree. It had been suggested that Oxford and Cambridge should receive the Northern Colleges as affiliated institutions; but in the North the system pursued at those Universities did not meet with much favour. The authorities at Oxford were recently asked whether they would not allow theological examinations without so much regard to the Thirty-nine Articles, but they refused to modify their system. At present a student was hardly ever allowed to take a degree in the University of Oxford unless he passed an examination in the Thirty-nine Articles. With regard to the power of a Northern University to develop itself, they would have the professors not only at the Owens College, Manchester, but at the Colleges at Leeds, Liverpool, Birmingham, Sheffield, and possibly Nottingham, so that altogether they could form a very powerful academical confederation, and would be able to adapt their system to the wishes and wants of many of the great commercial cities outside London. The new University would not be a small one. Mr. Fitch had underrated it in estimating that it would at first have only thirty students: there would more likely be 500. In going through the Owens College he had been struck with the high class of studies in microscopical examinations, physiology, and chemistry, and no doubt the Colleges in Leeds and the other towns he had named were also of an efficient character. Therefore he was in favour of a confederation of these various institutions, and hoped that such a Northern University would receive the sanction of the Government for a royal charter.

Professor Rücker (Leeds) said that the proposals of the Owens College for the establishment of a new University raised the general question, as to how far it was advisable to add to the number of degree-giving bodies. But they did much more than that. They not only raised the question, but they answered it in a particular way, by suggesting the creation of a new University, to consist ultimately of a confederation of colleges. The discussion as to the extension of degree-giving bodies in which they were then engaged derived its importance

Digitized by Google

from the practical aspect which had been given to it by the fact that the Owens College proposals were at present before the Government of the country; and, therefore, no satisfactory conclusion could be arrived at, and certainly no conclusion in favour of those proposals, unless they were convinced of the wisdom, not only of the general policy upon which they were based, but also of the details of the particular scheme in which that policy was embodied. Two objections, of opposite characters, might be raised to the scheme. The first was, that, by an undue laxity in the incorporation of colleges, the new University would probably run through the same series of changes as that which the University of London had undergone—would end by becoming merely an examining body, and would thus achieve nothing but the division between two institutions of the work which, at present, was well performed by one. The existence of the University of London would, however, be a safeguard against this danger. The feeling that a refusal to incorporate a college inflicted a direct injury upon its students, by blocking their only avenue to a degree, must have been a powerful agent in producing the present vast extension in the area of the operations of the University of London. This feeling would now be inoperative. The claims of individuals were met by degrees open to all, and the new University would be free to consider those of institutions only. It could lay down, and adhere to, the principle that, although it did insist on residence, in the sense in which that term was used at Oxford and Cambridge, yet it did insist that candidates for its degrees must pass through a regulated course of study at some one of a few colleges carefully selected for their high educational position. The only institution which had up to the present put forward even a prospective claim to incorporation was the Yorkshire College, and the Committee appointed by that college to watch the progress of the movement for the establishment of a new University had accepted the terms of the Owens College as to the standard an institution must attain before admission to the University, and as to the means of determining whether that standard had been reached. These facts, then, that degrees were now attainable by all, and that the college which would probably be the first to knock at the doors of the University had shown no desire to break down the barriers by which those doors were fenced, led to the conclusion that too much weight had been given to the argument that it would always prove as difficult in the future as it had once proved in the past to maintain a high standard of incorporation. The second danger to the new University would be lest when, by its creation, the principle of adding to the degree-giving bodies was sanctioned, the conditions of incorporation should be so distasteful to colleges outside Manchester as to lead them to aim at obtaining independent charters of their own, rather than at becoming members of the University especially designed to receive them; and that thus the grant of a charter to the Owens College would lead to the establishment of a number of weak degree-giving bodies, instead of being the first step in the gradual building up of a strong University, justifying its creation by its differences from, but not unworthy of comparison with, those which already existed. It was with respect to this danger that the controversy

Digitized by Google

between the Owens and Yorkshire Colleges had arisen. The contention of the latter had been that, although the Owens College had admitted the principle of federation, it had not looked beyond the bare admission of a second college to the University. Thus, though it was proposed that provision should be made for the representation of all colleges on the governing body, no scheme hitherto published had provided any machinery for the adjustment of the amount of that representation to the varying magnitudes and efficiencies of the different colleges. Again, no attempt had been made to grapple with the difficult and most important question of the pecuniary relations which were to exist between the University and the colleges. In no scheme put forward by the Owens College had there been the slightest allusion to that all-important matter. Nor was it only of omissions that complaint was made. The suggested basis for the constitution of the University was, in several points, open to grave, positive objections. Among these the two selected for special criticism were: (1) that the name of the new University should be the University of Manchester; and (2) that the charter should be granted to the governing body of the Owens College, with some trifling modifications. To launch upon its career a university which, it was hoped, would ultimately include colleges situated in different parts of the North of England, with a local name, was to arouse instead of to allay ill-feeling and opposition, and to place the University, as distinguished from the Owens College, at a serious disadvantage. On the other hand, to give to the governing body of the only college which would, at first, be in union with the University, complete control over the University itself, would be to mingle college and university business in a confusion which, when a second institution was incorporated, it would be necessary but most difficult to unravel. On these grounds the Yorkshire College had felt it right to oppose the Owens College scheme in its present form. Their conduct was due, not to jealousy, but to the belief that federation would only prove an efficient safeguard against a disproportionate increase in the number of Universities, if the various problems connected with it were carefully thought out from the first. To adopt a principle, and to leave the settlement of the most important questions upon which its successful application depended, to the indefinite future, was an unbusiness-like course, which could only lead to embarrassment and failure.

Professor GREENWOOD (Manchester), replying, in the name of his colleague, Professor Ward, to the remarks which had been directed against the argument of his Paper, explained that the scheme, so often referred to as emanating from Owens College, was neither, as some had supposed, a Quixotic attempt to map out at once the whole of England into a series of academical districts, nor a proposal like that contained in the very interesting Paper read by the Town Clerk of Nottingham, to provide on a theoretical basis for the speculative university needs of the future. What they had done was to ask the Government to recognise the fact that there actually existed, by a fortunate concurrence of circumstances, in the North-West of England an institution in Owens College which, whether regard were had to the thoroughly academic character of its aims, to the number of its teachers and students, to the

Digitized by Google

range and character of its teaching, or to the amount of its endowments, and the guarantee thus afforded of the permanency of its constitution, was fairly qualified to exercise university functions and enjoy university privileges. With regard to Mr. Fitch's Paper, he could not but express surprise at the imperfect acquaintance he had shown with the proposal emanating from Owens College. Now, Mr. Fitch (if he did not misapprehend him) had urged against the scheme two principal arguments: (1) that whereas Owens College might have had some claim to be listened to if a scheme had been asked for which, either actually or in prospect, provided for the wants of other colleges, as well as Owens—either actually existing in nucleus, or which might be founded in course of time—their plan, in seeking an advantage for Owens College only, failed to offer university advantages to a sufficiently wide area to justify the foundation of a new university; and (2) that, if a federal university were established it would almost certainly break down, as the University of London (which for the first twenty years was an incorporation of colleges) had broken down under that constitution and been driven to abolish altogether its collegiate element. The former of these objections was based on a very imperfect acquaintance with the original application made by Owens College to the Privy Council. In the memorial, presented in 1877, it was asked, on behalf of that institution, that the charter should contain provision for the incorporation of other duly qualified colleges on suitable conditions, and for the representation on the governing body of all colleges thus admitted into union. In reply to the second objection he had only to say that Mr. Fitch, whose knowledge of the University of London did not, he believed, go back so far as his own, had wholly misapprehended the character of the collegiate element in the early charter of that University. It was not the correct way of putting it to say that the federation broke down because the University failed to exercise the controlling functions which it should have exercised. The University pretended to no control whatever over the colleges, and they, in turn, had not even the shadow of representation on the governing body of the University. The main principle, therefore, that the new University should virtually consist of its colleges, and be guided by them, with such public safeguards as might be judged necessary, in the form of non-collegiate governors appointed by the Crown, could not be said to have failed in London, since it was never even remotely tried. Mr. Fitch had spoken of the numbers at Owens College as being too small to entitle it to University rank. The actual number of students attending the college had, however, been understated; and, further, with a University course under its own control to a great degree, Owens College would find the number of its students aiming at a degree increase from year to year. Even now they were not mere beginners in the University walk, for in 1877 no fewer than 82 students passed the several ordinary examinations at the University of London, exclusive, *i.e.*, of honour examinations and of examinations strictly medical. That was a considerable proportion for a very young college to boast of, notwithstanding the disadvantages which its connection with the University of London imposed upon it. The position of Owens College

Digitized by Google

did not, as Mr. Fitch appeared to think, involve any attack on the principle of the University of London, that degrees should be attainable by men who had not undergone the collegiate training. Owens College had often fully admitted the great services that University had rendered in this, as in other ways. It was, however, a very different thing to admit, as Mr. Fitch's argument appeared to claim, that the success of the University of London had been so complete that universities of the older or teaching type (of the type otherwise exclusively known in England and Scotland and Germany) would henceforward have little to do in the world; and that to found a new one would be an obsolete and useless experiment, inconsistent with the wants and the spirit of the age. Mr. Fitch had quoted some remarks of Professor Goldwin Smith, showing that, twelve months ago, that gentlemen was inclined to question the wisdom of the policy of Owens College in seeking the establishment of a new university. But before Professor Smith returned to his American home he wrote a letter to him (Professor Greenwood) expressing his conviction that, after all, the proposal was the one best fitted to meet the wants of the country in regard to university activity and life. They must, therefore, take it that Professor Smith's deliberate and final judgment was in favour of the scheme. In reply to the claim of Owens College that examinations should not be wholly dissociated from teaching, Mr. Fitch had pointed with laudable pride to the unquestioned impartiality of the examinations of the University of London, and asked how Owens College, under the proposed scheme, would be able to secure that prime necessity. No doubt in the older universities the number of colleges existing side by side exercised a sort of mutual safeguard; and, in the case of a university with fewer and more scattered colleges, some equivalent protection would be called for. He was prepared to admit that; but Owens College maintained that, under its scheme, while their primary object was secured—viz., the establishment of a *teaching* and not merely an *examining* University, in which the teaching and examining would be in due *rapport*—ample guarantees were at the same time offered for the integrity and thoroughness of the examinations, in the provision that these examinations should be conducted by a board of examiners partly collegiate, partly external, the two bodies exercising like functions and equal powers. To the prediction that there would inevitably be a tendency in the new University to attract candidates by lowering the standard of its degrees—apart from the consideration that the new University would not, like the University of London, have for its sole, or even its chief, object the creation of graduates, and therefore would not be exposed to the temptation to 'attract candidates'—it was sufficient, in the absence of any reasons in support of the assertion, to reply that the like predictions were no less confidently made by the opponents of the London University forty years ago, and that those predictions had been absolutely falsified by the result. The London University, so far from offering its degrees on too easy terms, had really had the effect of raising the standard in the ancient Universities; and if a new university were established in the North it would lie under every inducement to see that the standard of its degrees did not fall below that of the other universities of the country. With

Digitized by Google

regard to the Nottingham scheme, Mr. Johnson had, with loyalty and fairness, not forborne to express an opinion that it would not be sufficient to meet the wants of the whole country; but the scheme he had foreshadowed seemed to possess great elements of value for towns in the position of Nottingham; and it would probably in some manner be realised. But that was not the condition in which Owens and the Yorkshire Colleges stood. Young as they were, both these colleges had already considerable funds. The permanent foundation of Owens College amounted to upwards of 400,000*l.*; and that of the Leeds College, although at present far less considerable, would, he presumed, in the course of a few years show a rapid growth; so that, with so ample guarantees, both of their permanence and of their ability to make the best provision for teaching and its appliances, they must fairly claim to have some larger share in the determination of their own curriculum than colleges like the proposed colleges of Sheffield and Nottingham would at present think of claiming. Mr. Fitch had suggested that, if Owens College were incorporated with the colleges, say of Leeds and Liverpool, it would be under the same kind of external and rigorous yoke which now existed in its connection with the University of London. That, he thought, was a misapprehension. The University of London, whose curriculum was drawn up by its Senate, a body of men very able and learned, but in no sense representative of the various colleges which sent candidates for its degrees, of necessity determined the direction of the teaching given, without regard, he did not say to the special wants of the neighbourhood of each college—for this, of course, was never asked for—but without regard to the legitimately developed individuality of the college itself. It was felt to be a matter of great importance that universities should be enabled to develop themselves with the utmost fulness in their own direction, by allowing any particular faculty which happened to be strong for the time to have free course. That had been the strength of Oxford and Cambridge, as well as of the great German universities; and something of the same kind was desired in the present instance. Owens College wanted some substantial voice, though not an uncontrolled voice, in deciding the course which its teaching should take. If Owens College, with colleges at Leeds, Liverpool, and other places, were formed into a more or less homogeneous university, and if a board of from ten to twenty governors taken in due proportion from the several colleges, were to meet together from month to month, such a confederation would be able so to determine the curriculum of the new University as to be *en rapport* with the existing state of the various colleges, and also to decide what the general direction of their somewhat varying activity should be. He did not mean that the examinations would be carefully shaped to suit the special prejudices and material interests of the neighbourhood; but the North of England, having certain idiosyncrasies—an intellectual, social, and political life of its own—ought to possess, and felt that it ought to possess, a university in its midst that should be *en rapport* with its distinctly individual and intellectual tendency. Time did not permit him to refer to the other topics which had been touched on. He could only repeat, with satisfaction, what Professor Rücker had already said, that the authorities of

Digitized by Google

Owens College were in friendly correspondence with those of the Yorkshire College. They were so entirely at one on the two important points of the conditions of incorporation and of the appointment of examiners and conduct of the examinations, that Professor Rücker and his friends accepted, without the alteration of a word, the definitions proposed by the authorities of Owens College. Some points of difference remained for consideration, but he, for one, could see no reason why they should not arrive at a conclusion on those points which should be satisfactory to both. Although, in the memorial, they did not enter into any great detail as to incorporation, the authorities of Owens College had expressly proposed that the representation on the governing body of the several Colleges was to be in such proportion as would be agreed upon, from time to time, by the University, with the sanction of the President of the Privy Council. That clause was intended to imply that the representation of the several colleges was to be in close proportion to their efficiency and their size; and that, to prevent disputes as to details, the President of the Privy Council was to have the final decision. With reference to the secondary question of name, the one proposed in the first instance. seemed to the authorities of Owens College in harmony with the precedent; but they would be prepared to consider any title that could be suggested as acceptable to all. They were in accord as to the necessity of the governing body containing within it a sufficient external and rational element. In the first scheme the proposed number of such non-collegiate governors was too small. But, on these points of detail also, a little mutual consideration would soon lead to satisfactory results. He held that, from the first, the new University should be a teaching and academical university, and that, therefore, the colleges should have preponderating power in determining the course of studies, but with the understanding that there would be on the governing body a sufficient number of non-collegiate governors to give the public an adequate guarantee for the maintenance of a high standard of studies and examinations.

Professor Ward, in answer to a question, said that the examining as well as the governing body was intended eventually to represent all the incorporated colleges, besides including examiners belonging to no incorporated college.

Mr. Fitch, in reply, said he thought the authorities of Owens College would be the last to accept the reasons Mr. Heywood had given for the proposed new University, as one of the first results he hoped it would effect was to lower the standard of qualification. Another reason was that he thought students were put at a great disadvantage by having to go to London for examination. Mr. Heywood forgot, for the moment, that, as a matter of fact, the examinations of the London University were held at a great many provincial centres, Owens College being one of them. Dr. Greenwood had supposed that he (Mr. Fitch) was not aware of the proposal of Owens College to affiliate other colleges; but they must all know that originally the proposal of that College was that it should have a charter for itself. Indeed, the original statements put forth by the Professor expressly deprecated the idea that it could be advantageously linked with other

Digitized by Google

institutions of rather different aims from its own; and upon that a great part of the argument of the promoters of the scheme was based. Either it was intended to enable Owens College to have a University character for itself, as a single institution, or it was to form part of a confederation with other colleges. Although Owens College had so far modified its original view as to accept the second of these proposals, still there were grave objections to both, and these he had endeavoured to set forth. Moreover, it must be remembered that Owens College professed to enact certain conditions of collegiate residence which would practically exclude four-fifths of those students who were under its influence. The difficulty this created was certainly not met by Dr. Greenwood's explanation. Either the collegiate system, as regarded the large number of students in Owens College or in the evening classes, was to be reality, or it was not. If it was to be reality these students must be always excluded from the new degree-conferring powers. If it was not to be reality the examinations would not testify to regular collegiate instruction at all. Dr. Greenwood had corrected his figures by the assertion that actually eighty-five of the students more or less connected with Owens College had gone up to the University examinations this year. But that meant for all the different stages of examination—some for matriculation, some for the first stage of graduation, and others for the final stage. This estimate did not differ materially from that which he had put forth in the Paper. But those eighty-five, it must be remembered, went up to the London University under existing conditions. It did not follow that all of them would have fulfilled the much more stringent conditions of academic studentship which it was proposed to set up in the new University. Therefore, it seemed to him, with all respect for Professor Greenwood, that the main objection to the University College scheme had not been met. The establishment of anything like severe conditions of studentship and of regular residence would so restrict the influence of the new University that, after a time, it would almost inevitably desire larger powers to encourage numerous other students whom it influenced. If it did that it would become very little more than an examining board. It was mere conjecture to suppose that, if the degree-conferring power were given, the number of students would largely increase. There was no evidence of that. The strong presumption afforded in the case of Durham and of St. David's, Lampeter, went quite the other way. These were degree-conferring bodies; but they did not possess influence or usefulness in consequence of those powers. He would not for a moment depreciate the valuable efforts of Owens College, or discourage the increase of its usefulness; but the simple question was, how far the addition of power to confer degrees, on the limited conditions proposed, would be a gain to the cause of public education and liberal training. His contention was, that Owens College could develop itself very fully and do priceless service to the nation without receiving the power to confer degrees on what, after all, would be only a limited number of its own students.

The President (The Hon. George C. Brodrick) said the debate had been exhaustive, and its tone admirable, showing that higher educa-

Digitized by Google

tion had not been without its good influence on the temper as well as on the intellect. He had only one qualification for presiding over it, and it was this: whilst a fellow of one of the most ancient colleges in Oxford he was also a graduate of the London University; and, therefore, he could look at the two systems impartially. He appreciated the advantages of both, but he thought more highly of the benefits and advantages of a collegiate education. None of them who knew what a collegiate education was could suppose that any other system of academical education was equally valuable. The most important question at issue was, whether it was desirable to multiply the Universities at all. The question whether Owens College should form the nucleus of a new university, and what the relationship between the university and the college in conjunction with it should be, was a subordinate though a very interesting inquiry. If Owens College was to be practically the nucleus of a new university, and to receive a charter, he thought there was danger of confusion of interests arising between the University and the College. It was that very confusion which led to the University of Dublin being practically narrowed to a college. He had been struck by one remark of Mr. Fitch, that Owens College at that moment was a university, and a flourishing university, in all respects, except the power of granting degrees. Now, if the students of Owens College could not obtain degrees at all there would be a real grievance; but they must not leave out of sight the London University, which had been established to meet that particular want, and which, for some time, had met it by the affiliation or recognition of certain colleges. It required from the student, in fact, a certificate of his having had a collegiate education. Professor Greenwood's speech had gone far to explain why the London University had failed in the experiment, for he had stated that it had no power to regulate the curriculum of colleges, and that the latter were not represented on its governing body. But still it was a question for consideration whether it would not be a better plan to reform the London University in that respect, instead of creating a new university. There was nothing to prevent the London University from going back to the better system and eliminating the objections which Professor Greenwood had pointed out. The real question was, whether Oxford, Cambridge, Durham, and London did not meet the whole demand for university education, properly so-called, in this country. In the first paragraph of the Owens College memorial he found it stated that there existed in England a widespread and growing 'demand' for the extension of the benefits of university education. He was bound to ask, with great respect for Owens College, whether that demand proceeded from the general public, who were the consumers of education, or from the professorial body, who were the producers of education? There was a great deal of difference between the two, however eminent the latter might be, and no one could recognise more than he did the eminence of Owens College professors; but he had yet to be satisfied that there really existed such a demand on the part of the general public. It had been said that Oxford and Cambridge were very expensive. That statement must not be accepted as the truth without some qualification. It might be that a great many young men

Digitized by Google

at Oxford and Cambridge spent more than they should, but that was not due to there being a high tariff in the colleges, nor due to expensiveness of the Universities, since any young man might now go to Oxford as an unattached student and live as cheaply as at the Scottish Universities, or in a garret, if he chose to do so; and by paying very small university fees he could get excellent tuition. That being so, the excessive expenses of Oxford ought not to be treated as a barrier to the institution being popularised and meeting the demand for extended university education. One reason which made Oxford exclusive in old times was, that Dissenters were not admitted; but the restriction had been removed, and they were freely admitted to all the honours and emoluments of the University. [A MEMBER: Except the clerical fellowships, which form a large proportion.] It was true that the clerical fellowships formed a large proportion, but not so large as was generally supposed. In his own college, for instance, all the fellowships were thrown absolutely open, about ten years ago, by the almost unanimous wish of the members. That had also taken place in some other colleges, but no doubt in certain colleges the clerical restrictions existed still, although, in his opinion, they ought to be swept away. Oxford and Cambridge supplied to a great extent any existing popular demand for collegiate university education; and if they were not enough, or if their examinations were somewhat repugnant to the idiosyncrasies of the Northern mind, which required a university of a different type, there was Durham ready to their hand. He admitted that Durham University began with rather an ecclesiastical character, being founded to a great extent out of ecclesiastical revenues; but he believed that what was really fatal to it was the extension of the railway system, which enabled young men from the North to get to Oxford and Cambridge with comparative ease. The consequence was that the University of Durham had been deserted, or nearly deserted, ever since, although they were glad to know that it had thrown out a sort of scientific offshoot at Newcastle-upon-Tyne. He did not see a way out of the dilemma suggested by Mr. Fitch, viz., that, if those who were in favour of this new University were prepared to insist on strict conditions of collegiate residence, they would be providing for a very small class, who might very well be accommodated at Oxford, Cambridge, or even Durham, or else be content with London University degrees, remaining at Owens College. But if, on the other hand, they were to take in all those who frequented evening classes, then the strong argument, in favour of making Owens College a University, fell to the ground, because the scheme was founded, and he thought most wisely founded, on the great superiority of collegiate education over any other form of academic education. He, for one, should pause before adopting the proposal to establish a new University. He would rather see what the Commissioners now engaged in reforming Oxford and Cambridge might do in sanctioning those schemes of affiliation to which reference had been made. He could not recognise any such difference between the old Universities and the great industrial communities, in regard to either spirit or operation, as to prevent the youth of those commercial communities from availing themselves of an Oxford or Cambridge educa-

Digitized by Google

tion. He could not agree with Professor Ward that the *onus probandi* was rather on the side of those who opposed the creation of a new University. It was for the promoters of the scheme to make out their case. He was conservative enough to start from the *status quo.* England having, for hundreds of years, been content with two Universities, and now having four, it was right that those who advocated a fifth should show the reason why. It was most important that they should husband and concentrate, instead of dispersing, their forces. In Scotland, as in America, they had suffered from this dispersion; and if the teaching power of the four Scotch Universities could be concentrated in one or two, the university education in Scotland, as in America, would be more a reality than it was now. Upon these grounds, while he felt that the arguments were very strong in favour of the original proposal of Owens College and the proposal of a Northern University, he could not say that he was prepared to adopt either at present. If the plan of affiliation should break down the case would be different, and the arguments might then preponderate in favour of a Northern university; and he was glad to hear that any such University would probably take the form of a federal union, embracing several colleges.

OBSERVATIONS ON THE PRESIDENT'S OPENING ADDRESS.

The Hon. G. C. Brodrick, responding to an invitation from Lord Hampton, that he should remark on a statement of the President, that half the children presented had not passed in the three R's, and that the education was directed to higher (special) subjects, said that he thought there were three mistakes: 1. That the figures were those of 1876 published 1877—not 1877 published 1878—but he did not rely on this. As a matter of fact, p. 16 of the Blue Book could show that, of 1,135,118 children presented, only one-sixth failed in R.; a little over one-fifth in W.; less than one-third in A. 2. That when attention was called to the failures in Standard VI., R. W. A., R. here did not simply mean reading, but included memory, expression, and acquaintance with history. W. required an intellectual effort; the test here was one of original production; and A. not mere sums, but the higher rules of arithmetic. 3. The idea that a number of children were examined for Standard VI., whilst failing to read or write, was contrary to fact and to the theory of the code. As to fact, no child could be presented for special subjects without having reached Standard IV. 2. as to theory. The theory of the code directly discouraged cram in special subjects, as no grant was obtainable for them unless 75 per cent. passed in the elementary subjects.

Lord Norton, in reply, said that the figures of his address were those of 1876, but those of 1878 gave only 1 per cent. improvement. He must, however, reiterate that he believed that children

Digitized by Google

were examined for the special subjects to the detriment of elementary subjects. There was a confusion between higher and lower subjects, which ended in teaching neither. He however stated the passes at 58 per cent.

Lord HAMPTON said he should study the matter to which he had called attention. If the country spent so much on education, the taxpayers should at least be entitled to insist that so much money should not be spent unless the education were efficient.

Mr. R. HAMILTON pointed out that only 25 per cent. of those in the three higher standards were presented for examination in the extra subjects. There were doubtless some schools which were unwisely ambitious; but, as a rule, those few schools that presented pupils in these extra subjects were *not* those which made up this very low proportion of 'passes.' The serious evil was that many schools had not teaching power to take children at all to the higher standards, but these never attempted extra subjects. It should also be noted that the 50 per cent. referred to was the proportion of those who passed in all three subjects, and further, 30 per cent. passed in two; so it could not be said that the half were unable to read or write.

CONNECTION OF SCHOOLS.[1]

In what way is it desirable to connect the System of Primary Schools with the Endowed and other Schools that supply Secondary Education? By Rev. E. F. M. MACCARTHY, Head Master of the Middle School of King Edward VI., Birmingham, and Member of the Birmingham School Board.

THE Schools Inquiry Commissioners, whose labours, under the presidency of Lord Taunton, extended over the years 1865-68, and resulted in the publication of an exhaustive report on the whole question of secondary education, have never had full justice done to them by Parliament and the country. The Endowed Schools Commission, which was appointed by Act of Parliament to give effect to their recommendations was at the outset, and by the Act itself, denied the powers necessary to the carrying out of the most important—the keystone in fact—of the measures they recommended, viz., the formation of provincial boards with a view to a systematic grouping of secondary schools over definite areas.

And that Commission has ceased to perform even its restricted executive functions, for it received its quietus on the advent of the present Government to office in 1874, and its powers have been transferred to the Charity Commissioners. This latter body have carried the country still farther from the lines laid down by the Schools Inquiry Commission, notably in

[1] See *Transactions*, 1876, p. 416.

Digitized by Google

their mode of dealing with wasted endowments, with endowments given for elementary education, and with those once intended for secondary education and now sunk to elementary (see, among others, the Scheme for the Wolverley Schools).

But when this decade of our educational history finds its chronicler, he will undoubtedly put upon record that Lord Taunton and his colleagues of the Schools Inquiry Commission met the fate of men who were in advance of their age, rather than that of men who pressed unwise theories upon a generation that was wiser than they.

In the same decade the growth of sound public opinion on education has been even more rapid than the growth of material agencies and appliances for education; and how rapid this has been, the number of School Boards formed, and the number of schools built and filled by their operations will abundantly testify. School Boards have been elected in all the 13 towns in England with over 100,000 inhabitants, and in all but one (Preston) of the 21 towns whose population ranges from 50,000 to 100,000; and, on the whole, 57 per cent. of the population of England and Wales is now under their jurisdiction. Thus the people of this country are being prepared by the unexampled success which has attended the efforts of boards controlling *elementary* education over areas of boroughs and civil parishes, to look with more favour upon that recommendation of the Schools Inquiry Commission, which proposed to form provincial boards charged with the duty of co-ordinating the schemes for *secondary* education over somewhat wider areas, and of exercising some controlling power over the application of endowments for education above the elementary.

More than this, the election to these School Boards of men marked out for the work of school management by no other qualifications at first than practical good sense and general knowledge of the wants of the place in which they lived, has given to a large number of average Englishmen an almost electrical awakening to the fact that there really is an educational problem to be solved in this country, and that education is not an accidental appanage to the ecclesiastical functions of the parochial clergy, nor a thing to be left to the spasmodic enthusiasm of amateurs. Thus, for one a few years ago there are now hundreds of shrewd men of the world who are acquiring the mastery of experts over the details of the great problem, or are grasping the broad outlines, at all events, of the method of solution. The first work before them was to ascertain the deficiencies of their districts in school accommodation, to buy sites, to build schools, to procure a teaching-staff, to settle

Digitized by Google

scales of salaries, to make bye-laws, and organise the machinery for their effective administration. This part of their work is nearly done, and they now have for the first time the leisure for a wider survey of the ground to be traversed, and the experience for a surer footing in traversing it.

At such a time as this it will be acknowledged to have been a wise thing on the part of the organisers of this congress to select for discussion 'how far the system of primary schools can be connected with secondary and endowed schools.'

Has not the time come to consider the advisability of picking up some of the dropped threads of the two Commissions, and weaving them into an educational woof, so as to be prepared for that reaction against the reaction of 1874, of whose setting in there are not wanting signs? Let me invite practical educationists to a reperusal of the Reports of the Schools Inquiry and the Endowed Schools Commission *in the light of seven years' experience of the Education Act of* 1870. The field is a wide one, and only a small portion of it can be gone over in this paper. Keeping the subject assigned to me well in view, I have ventured to lay down what, after my own reperusal of those reports, and some experience in the working of elementary and secondary schools, suggests itself as affording a basis for future legislation both educationally desirable and politically possible.

With regard to endowments and their use as means for bridging over the gulf between the elementary and secondary schools, the two following principles should be considered fundamental and axiomatic.

1. No part of a secondary endowment (*i.e.* an endowment *now*, in 1878, applied to the purposes of secondary education) should be devoted to giving ordinary elementary education.

This implies that a secondary endowed school should not be allowed to give in its lowest classes, at the cost of its endowment, elementary education to children of a higher social grade, whose parents have preferred not to avail themselves of the public elementary schools provided by law. Nor should they compete with elementary schools in the ordinary education of the children of artisans and labourers. There should be an entrance examination to all such schools, and, in order to protect them against this abuse of their endowments, and to maintain them without waste of power and in their proper position as intermediary between the elementary schools and the universities, professions, &c., the standard of such entrance examination should be fixed at the third or some higher standard of the Elementary Education Code, varying according

Digitized by Google

to the grade of school and the age of the candidates for admission.

2. No part of an elementary endowment (*i.e.* an endowment *now*, in 1878, applied to the purposes of elementary education) should be devoted to supplying any part of the ordinary elementary education which is now provided for by law, *i.e.* by the Education Acts of 1870 and 1876.

It should be stated here that endowments to the extent of upwards of 120,000*l.* a year are now being devoted to this purpose. Such endowments should be applied, either (*a*) to secondary education in the same locality, where there is a manifest deficiency in that respect: this would in many cases involve simply a restoration of a misappropriated endowment to its original use;[1] or (*b*), to providing exhibitions for promising scholars to induce their parents to keep them at school somewhat longer than they otherwise would have done, or to enable them to proceed to higher elementary or secondary schools;[2] or (*c*), to providing funds for the formation of upper departments in one out of a group of ordinary elementary schools, to which should be attached exhibitions open to competition within the area covered by the group.[3]

Powers should be given to School Boards to spend the rates for the purposes *b*, and *c*, named above, and the Elementary Education Code should be modified wherever its regulations would interfere with the development of schemes for higher elementary education here indicated, as, for instance, by the removal of Article 19, c. 6, Code 1878—a clause whose retention cannot be defended, even on grounds of common equity.

I propose to devote the rest of this paper to the consideration of the principles which should govern the formation of these upper departments, feeling strongly that this is the direction in which educationists must look for the most practicable scheme for connecting the system of primary schools with secondary schools throughout the whole country, in other words, for placing within a boy's reach everywhere, and not in a few favoured localities only, that 'ladder of learning' from the gutter to the universities, in which there are still many missing rungs.

At present elementary schools are suffering from various drawbacks which need remedying before they will begin to do all that could be desired as perfect instruments of their kind,

[1] See the case of Dalton-in-Furness, *Schools Inquiry Commission*, vol. ix., p. 698

[2] See *Endowed Schools Commissioners' Report*, 1872, p. 72.

[3] See *Schools Inquiry Commission*, vol. i. p. 582.

Digitized by Google

and as feeders of schools of a higher kind. First, they suffer from a continual influx of raw material, totally, or almost totally, uneducated. Thus, a school of 350 in a hitherto educationally-neglected quarter of a town will often be found to have from 150 to 180 in Standard I. or below it. Moreover, as children forced into school by the bye-laws commence their education at every variety of age—instead of in infancy, as will be some day the case—it follows that they arrive at the legal age for going to work with very varied attainments. Those qualified for full-time work are to be found in all the standards, and not solely in the highest. The consequence is that the outflow from the schools is not going on only out of one or two—and these the highest standards—but out of all. A child of eleven or twelve, for instance, may be swept into school by the action of the visiting officers, and have almost everything to learn, but the moment he is thirteen, perhaps before he has passed the second standard, he is out of school again, and can snap his fingers at all compulsory bye-laws. So that past neglect of education and the present claims of labour combine to make the ranks of the highest standards even in our larger elementary schools very thin indeed. It is obvious that these children—the cream of the schools—must have their instruction greatly interfered with, and the attention of their teachers largely drawn away from them, by this stream of ignorant and undisciplined children that flows in so unceasingly at the other end of the school, and demands so much of the time and energy of the school staff.

Now, no doubt, time and the never-intermitting pressure of compulsion, where it is energetically applied, will do much to alter this state of things; but for many a long year School Boards cannot expect more than a very small percentage of upper standard scholars in their schools, and consequently they should be urged, if only for the sake of avoiding an enormous waste of power, to collect their driblets of upper standard scholars, now scattered about in a number of schools, and bring them together into two or three upper departments attached to here one school and there another that is centrally placed for a group of ordinary schools, where the scholars, being of higher and more equal attainments, may be better handled, and where the stimulus of numbers doing similar work will act beneficially alike upon the teachers and the taught.

Similar causes tend to produce the same dwindling away of the upper standards in the schools of the smaller towns and agricultural districts, especially where there are no bye-laws at all (as at Cheltenham, for instance); obviously also, from their

Digitized by Google

very smallness, these schools must, under the most favourable conditions, furnish a very meagre quota to Standards V., VI.

Let me bring this matter home by a few facts and figures. I find from the Blue Book of the Committee of Council on Education just published that, taking the whole country through, the average number of children in attendance in each department in a denominational school is 93, and in a board school 122. In Cheltenham, all the schools are denominational, and most of them have less than 100 scholars in each boys' and girls' department. Now, from the same Blue Book I find that, for the denominational schools through the whole country, the number of scholars presented in Standard V. of the Code was 6·4 per cent., and in Standard VI, 2·6 per cent. of the total number presented. Assuming, as it would be safe to do, that the number in daily average attendance in these standards bears the same proportion, and that Cheltenham schools are up to the average of other denominational schools in this respect, we have that there are on an average less than 7 children in Standard V., and less than 3 in Standard VI. in each school of this town, and the same must be roughly true of the vast majority of the denominational schools throughout the country, more especially in the rural districts.

On the other hand there are the large Board schools of London and other towns containing 300 scholars in each department. But in the Board schools of the country there are only 4·5 presented in Standard V., and 1·4 in Standard VI., so that in each of these latter kind of schools there would be, on the same calculation, about 14 scholars in Standard V., and 5 in Standard VI. Now it is bad enough for a School Board to have 14 scholars in a particular standard in two separate boys' schools under its management, when 28 would make a much better class for a master, collected in one school; but when we come to the denominational schools the state of things is most absurd. Here you have in each department of by far the most numerous class of schools in England, a knot of 7 children doing the work of Standard V., and a knot of 3 only doing that of Standard VI., and these in schools where the scale of staffing laid down by the Government assigns 60 scholars to the head teacher, 40 to a pupil-teacher, and 80 to an adult teacher other than the head teacher. Practically these children are taken as one class with Standard IV. But that standard averages under 13 scholars. So that the three standards together do not amount to 23 scholars, and consequently in a small school Standards III. to VI. have to be taken in one class.

Digitized by Google

But anybody who will study the range of the requirements of these standards as laid down in the Code, or who has had any experience in teaching, must know that you cannot constantly take together, as one class, scholars of such varied attainments and ages as these in Standards IV. to VI.—still less Standards III. to VI.—without injury of a serious kind to the real interests of the more advanced scholars.

What I would urge, then, upon the Legislature and the Education Department is this—Direct that endowments and, in school-board districts, rates may be applied to providing exhibitions to be open by competition over a given area to scholars attending schools within that area, and let every facility be afforded for the foundation of upper departments with these exhibitions attached to them. Managers of ordinary elementary schools should be encouraged to send their high standard scholars to these upper departments, where, either from endowments or rates, as the case may be, largely assisted, of course, by the greater Government grant that would be earned, funds would be forthcoming to meet the cost of a thoroughly efficient and sufficient staff, and the scholars would receive the instruction suited to their requirements, with all the advantage of the emulation of large classes, and under instructors who would have ample scope for their powers.

Two objections to this scheme may possibly be made on the part of the schools who are thus invited to pass their high standard scholars on to a central school. They may urge that they will thus be robbed of a portion of their Government grant. To this I reply that the grant-earning power of these scholars is, relatively to the expense of their efficient teaching, much less than the grant-earning power of the scholars in the lower standards. It costs more in fact to obtain the same amount of grant from a scholar in Standard VI., than from one in Standard III., and consequently the drain upon the voluntary resources of a school is greater in the former case than in the latter.

A much more plausible objection is, that this scheme will deprive the school of the stimulus which is derived from having senior scholars doing high standard work, while the schoolmaster will have much heart and life taken out of his teaching by an unvarying round of what is sometimes looked upon as 'drudgery'—viz., grinding the three R's—unrelieved by higher and more interesting work. The retort is, surely, a fair one, that to look upon the imparting instruction of any kind—even in the most rudimentary branches of knowledge—as drudgery, betokens a false and undignified conception of

Digitized by Google

the teacher's art, and of the capabilities of that art for evoking real pleasure in its imparting. But, as a matter of fact, the stimulus will not be removed or appreciably diminished by this scheme. For, henceforward, the most direct stimulus to elementary education will lie in what are known as the 'honour certificates,' created by Lord Sandon, in the Education Act, 1876. By that Act, a child under eleven years of age, who passes completely in Standard IV., receives an 'honour certificate,' which entitles it to have its school fees paid for the next three years out of the sum voted by Parliament for education. So that the 'honour' carries with it free education for three years, under certain conditions, at any public elementary school which the child may choose to attend. There is not the least doubt that the gaining of these honour certificates will be the great goal of the ambition of schools and schoolmasters in the future; and a healthy rivalry will be excited between different schools for the glory of carrying off the greatest number of these honours. The energy of the teachers will be devoted to passing as many scholars as possible in Standard IV., before eleven years of age; after that time there is a positive danger of the teachers' personal interest in the scholars flagging, if anything, rather than growing. If, in consequence of a scholar not having passed Standard IV. before eleven, he is an *ordinary* scholar in Standard V. or VI., the opportunity of bringing distinction to himself and his school has gone by, never to return; and, if he is an honour scholar in those standards, he can confer little, if any, further distinction upon himself or his school. In either case the teacher who could not do his duty to his scholars without the stimulus of the honour which is reflected upon him by their distinctions, would fall short of his duty towards his scholars of Standards V., VI.

I stated, incidentally, that the continuance of free education, which accompanies the honour certificate for three years after its acquisition, depends upon certain conditions being fulfilled. One of these conditions is, that the honour scholar shall, in addition to passing in the ordinary work of this standard, also pass in one of the specific subjects of secular instruction contained in the fourth schedule of the Code—*i.e.* in one of the following: English literature, mathematics, Latin, French, German, mechanics, animal physiology, physical geography, botany, domestic economy (girls). Now, as a practical question, the difficulty of teaching one of these subjects to a small knot of half-a-dozen, or less, honour scholars, just out of Standard IV., would be, in most schools, almost insuperable. The staff would require strengthening, the cost

Digitized by Google

and the waste of power would be increased, while a further dislocation of the regular school curriculum would take place, with the almost inevitable result of either the school being neglected for their sakes, or of their being neglected for the sake of the school. So that the very existence of these honour certificates, and the conditions under which the rewards attached to them may be reaped, give additional weight to the arguments for the scheme which on other grounds I have propounded.

Another drawback to elementary schools and to their efficient working as feeders to secondary schools, has yet to be mentioned: that is, *the great irregularity in the attendance of the scholars.* Elementary education has only so lately become a universal necessity of civilised life, that regularity of school attendance is a habit which has yet to be acquired by the English as a race, just as the habit of punctuality had to be acquired when travelling by railway became the normal condition of business life amongst us. According to the latest returns, only 68 of the scholars on the books of elementary schools in 1877 were in average attendance: that is, scholars were everywhere in the habit of absenting themselves on an average more than a day and a half a week throughout the year. Sir Charles Reed, in his address to the London School Board the other day, said: 'While numbers of our children are models of regularity, there are many who cannot be got to school more than two or three times a week.' In a district of Birmingham, selected by the School Board for special operations with a view to improving the attendance of the children, and staffed with an extra strength of visiting officers for the purposes of the experiment, it was found, after the plan had been four months in operation, that of 6,732 children on school books, only one-sixth were perfectly regular (*i.e.*, made ten attendances every week) for a month; one-half averaged between 7 and 10 attendances a week; one-sixth, between 5 and 7; and the remaining one-sixth averaged less than 5 a week, or were absent the entire month. It is, perhaps, difficult to make anyone who has not had practical experience in teaching realise the drawback to continuous steady progress in a half-year's work, caused by the absence capriciously of even one scholar in a class, if that absentee is a different one every day; or, if capricious absenteeism pervades even a quarter of the scholars.

Now it is of the very essence of good school organisation that each master should commence a new period of work, a half-year or a year's, with a class of fairly equal attainments. Given *regular attendance,* and it will be found that a class so

Digitized by Google

organised will present throughout the period a difference of attainments between the ablest and dullest scholars, increasing slowly as time goes on, and yet, to the last, of manageable amount. This satisfactory state of things is maintained in succeeding periods by promoting 'ability' up *two* classes, keeping 'dulness' down in the same class, and passing 'mediocrity' on to the class above in a broad and even phalanx. But, *introduce the factor of irregular attendance,* and then, however nearly equal may have been the attainments of the scholars at starting, the difference between 'ability plus regularity' at one end, and 'dulness plus irregularity' at the other, increases so rapidly, and becomes soon so unmanageable in amount, that the elementary schoolmaster, with the Government Inspection always before him, has no alternative but to neglect the interests of the ablest and most regular, and move only at a pace which suits the average irregular, or which enables him to bring all but the dullest and most irregular up to the Government *minimum.*

Something, then, must be done to create the habit of regularity among our elementary scholars before satisfactory progress can be made. Compulsion will not do this; expulsion is, of course, out of the question. It was stated that, in the Birmingham experiment, as many as half the scholars averaged from 7 to 10 attendances a week, that is, were sufficiently irregular to check continuous steady work in their school, but sufficiently regular to escape, practically at least, the meshes of the bye-laws. Compulsion hardly touches them at all, except, probably, in preventing these 7, 8, or 9 attendances dwindling to 5 or 6, or even less. We must, then, try persuasion, and win our way gradually by offering inducements in every direction to perfect regularity. In Germany the child who attends school is free—it is the absentee who pays. It will be a great day for England when its law meets the attendance difficulty in the same way. In the mean time we appear to be driven by the necessities of the case to make good attendance, as well as good attainments, a condition antecedent to promotion to upper departments, or, at all events, to a share of the benefits of the exhibitions. The latter plan is, perhaps, the better: we shall thus approach the principle so successful in Germany, we shall make the irregular attendant pay more highly for the education he is getting; and, considering the mischief he causes, it must be acknowledged that, to him at all events, justice will be done. The Education Department has already acted upon this principle in connection with the 'honour scholarships,' to which previous reference has been made; the condition

Digitized by Google

antecedent being, not only the passing Standard IV. before eleven years of age, but the having made 350 attendances during two (three in 1879, four in 1880) preceding years.

I have, accordingly, followed this precedent in drawing up the accompanying scheme for the formation of upper departments, and attaching exhibitions to them, the funds for which would be provided as proposed out of endowments or rates:—

SCHEME FOR UPPER DEPARTMENTS.—In districts not under School Boards:—

1. Upper departments, with exhibitions attached, shall be formed in certain schools selected as centres by the joint action of the Charity Commissioners, the Education Department, and the managers of those schools. In School Board districts, School Boards shall be empowered to form similar upper departments in such schools as they may see fit.

2. Each school having an upper department shall, for the purposes herein set forth, be considered as a 'centre' to a group of schools.

3. An upper department may or may not be organised as a part of the school to which it belongs.

4. The curriculum of an upper department shall be framed so as to afford to the scholars attending it a three years' course of study, which shall include more thorough instruction in the whole range of subjects prescribed by the Code for standards and class examination (Code, Art. 19, c. 1); and, in addition, such special subjects as may be decided upon from time to time.

5. Upper departments shall be open to all candidates for admission who shall have passed Standard IV., or an admission examination equivalent to Standard IV.

6. In admitting to an upper department, or to an exhibition attached to it, preference shall be given to scholars from the schools grouped with it.

7. The fee shall be 6*d.* per week. (It is supposed here that the fee in the boys' or girls' department of an ordinary elementary school is 3*d.*)

8. Exhibitions shall be awarded as follows:—

First Year.—(1.) To honour scholars (whose fee is paid by the Education Department), an annual payment sufficient to cover the cost of books, &c.

(2.) To scholars who have passed completely Standard IV. at any age, and have made 400 attendances during the preceding year, an annual payment sufficient to reduce the weekly fee to 3*d.*

Second and Third Years.—(3.) To all scholars who have (*a*) attended with perfect regularity during the preceding year,

Digitized by Google

(*b*) passed the standard for the year completely, and (*c*) in one or two special subjects, an annual payment sufficient to cover the whole weekly fee, together with, in cases of exceptional merit, annual payments by way of maintenance.

(4.) To scholars of exceptional merit, one or more exhibitions, tenable at any school of a higher grade.

On the best Means of connecting Primary with Intermediate Education. By Henry M. Jeffery.

In this country primary or elementary education, conducted and in great measure supported by the State, may be considered as established by the various Elementary Schools' Acts on a permanent footing. It constitutes a point of departure in all educational inquiries. Secondary or intermediate education has been, or is in course of being, remodelled, reformed, and in some degree organised by the Public Schools' Act and the Endowed Schools' Act of 1869. Secondary education, however, has not yet reached its final stage of organisation; great numbers of schools have not yet been reformed by the Commissioners deputed for the purpose; and, above all, the provision made in the second part of the Endowed Schools' Act for the inspection and examination of such endowed schools, long over-due, and universally expected, has not yet received the sanction of Parliament. Nevertheless the machinery of secondary education is steadily advancing to a final shape.

2. It is confidently predicted, that when this maturity of organisation shall have been reached for secondary, as now for elementary, education, public attention will be forced to weigh well the means of connecting these two grand divisions, and forming an educational bridge, whereby the bold and the capable may cross the chasm of separation. But meanwhile, and at all times, the necessities will exist, and claim attention equally from politicians, administrators, and educators.

3. This memoir proposes, (1) to explain the necessity for some connecting chain between these two great *genera* of instruction; (2) to point out the recognition already bestowed on such a chain, and the various steps at present taken with that end; and (3) lastly the several methods open to speculative consideration in this Congress and elsewhere.

4. It may facilitate the purposes of this inquiry to define the subjects of primary education, as administered by the

Digitized by Google

School Board of London—reading, writing, arithmetic, grammar, history, geography, religious knowledge, music, drawing, drill or physical exercises. The subjects are numerous; some of them form the ground-work of all mental training, and they are all well chosen for the ordinary duties of life. It is evident that the rising generation, which receives such fundamental culture, must be vastly superior to those generations which preceded it, and that a nation, which undertakes and discharges such universally-spread offices to its children, will reap its reward in their future efficiency, moral rectitude, and uniform loyalty.

5. But a critical eye will discern defects in this admirable boon of national instruction. What is gained in quantity is lost to quality: the broader the channel, the shallower the stream becomes. The education of the masses is mainly confined, as it ought to be, to definite subjects, and an objective training, which cannot, if unaided, develop the faculties of the mind for languages and literary composition, for abstruse calculation, and for physical observation. This difficulty has been long recognised, and various palliatives adopted. Before the Revised Code for Elementary Education became law, the teachers in their normal colleges, and the pupils in their turn in the National Schools, were trained in a much more comprehensive curriculum. I do not cavil at the Revised Code: the principle of its policy is just and equitable, and any deviation, however restricted and temporary, is illogical. Neither ratepayers nor taxpayers ought to be compelled to provide a universal system of secondary as well as of primary education: to the great mass of primary scholars it would be valueless and inapplicable; and further, in this country, partly by endowments and partly by private enterprise, it has been generally accessible, and, until recently, in free schools to the poorest members of the community. Of late years, however, there has been a marked tendency to deviate from Mr. Lowe's Revised Code, and to offer some restricted secondary instruction in the 'specific' subjects—English literature, mathematics, Latin, French, German, mechanics, animal physiology, physical geography, and botany. In my humble judgment, these may be hereafter withdrawn, as they have been once before withdrawn from the *répertoire* of elementary instruction, if meritorious pupils be drafted off to secondary schools on the plan hereinafter recommended in this memoir.

This Congress has been gratified by the authoritative utterances of its noble President on this weighty matter: 'At present we have no system, but a jumble of Primary and

Digitized by Google

Secondary Education in the Primary Schools.' 'We ought to restrict our public aid to what we did mean, namely, Elementary Education for the poor, and leave Secondary Education to parents, who can afford to pay for their own children.' When the leading statesmen of both political parties, such as Mr. Lowe, Mr. Foster, and Lord Norton, coincide in their mature views, reform in Primary Education cannot be distant.

6. As another palliative, the Schools of Science and Art at present encourage primary schools to study their secondary subjects by elementary and advanced scholarships. By an elementary scholarship is meant a grant of 5*l.* supplemented by an equal sum of 5*l.* from local sources: to retain it, the pupil must thereafter show proficiency in one or more branches of science. The advanced scholarship seems more open to exception. A grant of 10*l.* is made, if supplemented locally to the extent of 5*l.*, towards the maintenance of a student at a day-school (primary), who has taken a first grade in (1) Freehand or Model Drawing, and (2) Elementary Geometry, and (3) passed in at least one of the subjects of science.

The subvention detains the recipient in the primary school: whereas it would be more valuable if it allowed him to acquire a liberal education at a secondary school in the locality, and put him at least within reach of the highest education.

7. But in Scotland and Ireland, where the same ample provision for intermediate education has not hitherto existed, the standard of elementary education has stood much higher. In Ireland, besides the subjects specified by an English School Board, great encouragement has been given by result-fees to extraordinary studies in the Classics and French, in Mathematical, Mechanical, and Physical Science. Conversely, in Ireland, henceforth the National Board of Education, as I was informed by one of its Secretaries, will give less prominence to these secondary branches of education, because the Intermediate Education Bill of 1878 will foster an ample provision for them, without an appeal to the ratepayers.

In Scotland also the standard has always been high for a similar reason: indeed, in the old parochial schools for two centuries Latin was uniformly taught, from the deficiency of secondary schools, and many Scotchmen revert with regret to the old-fashioned training.

8. Some criticism of the Act of 1872 was very recently delivered before the Educational Institute of Scotland by President Shairp, of St. Andrew's, which supports the present argument. With regard to the extra subjects and little morsels of useful information on natural science, as he would call it,

Digitized by Google

produced in the new code, he would not speak, as a generation must grow up before it could be proved how far such teaching really benefited children of tender years.

But there seemed to be little doubt that the teaching of Latin, Mathematics, and a little Greek, by which many able lads were prepared in the old parochial schools for entering college, was gradually disappearing, and would before long have entirely disappeared from the new public schools. That disappearance he could not but regret, not so much for the sake of the Universities, as in the interest of clever lads in the rural districts. In his judgment there were great drawbacks to education in Scotland. Thus far President Shairp.

9. Let me glance for a moment at the secondary education of the country, both in public and in private hands. Its average standard has been universally raised. Even commercial schools teach some foreign language, French or Latin, and several teach the rudiments of science. The causes of this extension are not obscure, and are interesting as guides to future legislation. The various reforms effected in the endowed grade schools by Her Majesty's Commissioners, and, particularly, the school and local examinations conducted by the Universities, although admirably flexible, have compelled private schools to follow the lead thus set, and enlarge their syllabus of subjects, irrespectively of the tastes or wants of parents.

10. Now, in pursuit of my main argument, I maintain that many of the recipients of secondary education, whether expensive or inexpensive, are unworthy of the time, labour, and money bestowed upon them; and, conversely, that a considerable proportion of pupils in primary schools would do ample justice to their opportunities of a high mental culture, if they were drafted into higher schools by a system of bounties to merit ascertained by due examination, and would render good, contented, and faithful service to their country, and be ever grateful for *La carrière ouverte aux talents.* I will further fortify the case for the necessity for such linking by the masterly argument of the Bishop of Exeter, conveyed in a letter to the Mayor on the Commissioners' plan for reorganising the Exeter endowments ('Endowed Schools Commissioners' Report,' Appendix, p. 70). 'It was once the case, (and it would not be necessary to go very far back in the history of Exeter to find instances of it here), that a poor boy might, and often did, find at the Grammar School near his home the means of rising to high distinction, and doing honour to his school and to his town by his after life. By diligent use of the faculties that

Digitized by Google

God had given him, without being beholden to anybody, the poor lad could attain the aims of an honourable ambition. And the perpetual recurrence of the phrase in hundreds of foundation deeds that it was intended that poor boys might be brought up to serve God in Church and State, shows how much the idea of making this possible prevailed in the minds of those who founded the schools. This the poor have now lost, not because anyone has purposely taken it away, but because the old system of (free) Grammar Schools has perished and cannot be revived. It is a boon better worth restoring than any other that can be given, and one which I believe the founders had more closely at their hearts.' The Bishop proceeds to recommend the apportionment of exhibitions 'to enable (not poor children, but) children who had been educated in the Public Elementary Schools of Exeter to carry on their education further, in proportion as they showed such diligence and capacity as to be likely to profit by doing so. It is no slight blessing to the poor that a scheme of education should improve every elementary school with the powerful stimulus of hope. Our elementary schools at present are often well taught, well managed, well examined, but they are all alike deficient in that brightness and life which hope alone can give. There is no aim set before the learners which they can easily appreciate. There is little encouragement to the parents. While all other classes of society are eager for improved education, for the poor and the poor alone we are driven to use compulsion. And why? Chiefly, you may be sure, because every other kind of school offers rewards in plenty, and the elementary school offers none.'

11. I next proceed to show that the necessity for linking the two kinds of education has been recognised by the Schools Enquiry Commission, and to exhibit the methods recommended and adopted by the Endowed Schools Commissioners, and their successors, on whom their duties have devolved—the Charity Commissioners. After condemning purely gratuitous education in secondary schools which are supported by endowments, the Commissioners insist that such free secondary education should be the reward of merit evinced by the recipient. Such merit need not always, in children of tender age, be tested by competitive examination, but good conduct and regular industry should be largely taken into account. Accordingly, where the endowment of such secondary schools has been ample, 'a system of exhibitions has been so arranged as to afford opportunities for poor boys to make their way by dint of industry and talent from the public elementary schools,

Digitized by Google

even to the Universities,' where they may receive the highest form of education. Such an application of endowment has been made at Mansfield Grammar School, where half of the free admissions by competition have been set apart to the primary schools; and a similar preference has been very recently made in the Gloucester group of endowed schools.

12. The Commissioners also keep this object steadily in view in converting the funds of Hospital Schools, which combine maintenance with education, and are often richly endowed. Sir Thomas Rich's, or the Bluecoat Hospital, at Gloucester, is an apposite and recent instance. The Charity Commissioners have issued in August last a graduated scheme, which helps indigent but meritorious boys, by convenient stepping-stones, from elementary to the highest education. To this end they have first carved out of the Hospital Funds thirty scholarships, tenable for three or five years, at the Trade or Third Grade School, of annual value varying from 10*l.* to 15*l.* These scholarships are awarded preferentially to the pupils of elementary schools in the School district of Gloucester and its precincts. Such gratuitous admissions are henceforward made a reward of merit and a stimulus to progress in primary schools; and if the alteration in circumstances, caused by the various Elementary Schools' Acts, he considered, such converted Hospital Schools will 'fulfil every intention of their founders, and exercise a far wider and safer beneficence,' although this salutary reform has been persistently opposed at Gloucester, as at Exeter and elsewhere.

13. A third source of such encouragement to primary schools was suggested to the Schools Inquiry Commissioners, and adopted by the Endowed Schools' Act of 1869. They recommended the conversion of various non-educational endowments, which were either obsolete, useless, or injurious, doles in money or kind, gifts for apprenticeship, marriage portions, the redemption and relief of poor prisoners and captives, gifts for loans and general public purposes, provided that such conversion to educational purposes receive the sanction of the existing trustees. I will here quote the valuable remarks conveyed by a letter of Mr. Stanton, the Assistant Charity Commissioner. 'It is the practice in all schemes for middle class schools, prepared under the Endowed Schools' Acts, if the funds permit, and it is the invariable practice, where trustees have consented to give up dole-charities for educational purposes under section 30 of the Act, 1869, that certain scholarships should be provided to be preferentially competed for by children who have been educated for, say three years at a

Digitized by Google

public elementary school, and, when the funds are sufficient, exhibitions, to enable such children to carry on their education at some still higher place of instruction. In some cases these scholarships not only confer an immunity from the payment of tuition-fees, but likewise provide a sufficient payment to meet other expenses, which would fall upon a parent in the way of clothes, books, &c., and also in some degree compensate him for the loss of wages which might have been earned by his child, had he or she stayed at home or obtained employment elsewhere, and therefore offering the parent an inducement to allow his child to stay longer at school. The working of these scholarships has yet hardly had time to develop itself, but, I am informed, many public elementary school boys have already availed themselves of them. The general principles of the Charity Commissioners have been formally stated in their last annual report, as already quoted by the President of this section in his inaugural address. As a fourth aid to this laudable object, certain School Boards in our great cities have become trustees for scholarships, founded by private munificence appropriated to their Elementary Schools, and tenable in Secondary Schools. The tests of merit in the candidates are not uniform: the London School Board confine the examiners to the range of the standard and class subjects, whereas at Manchester, proficiency is also recognised in the specific subjects. From the view adopted in this brochure, the rigidly narrow system of London is sounder in principle, as being juster to the community which pays taxes and rates.

14. Such are the encouragements offered at present in England to link together the elementary with the higher forms of education. In the twenty-fifth Report of the Charity Commissioners for England and Wales, recently issued, they have devoted especial care to 'the ladder of endowment'; and state that non-educational bequests to the amount of 10,500*l.* a year have now been converted to educational purposes.

I have pointed out in a former paragraph the subventions from the Science and Art Department, and the modifications of the strict principle of the Revised Code, which have been authorised, to encourage the transition.

15. In Ireland, the Intermediate Education Act of 1878 offers a system of prizes to scholars, wherever they have been trained, and of bounties for results to their teachers, with the exception that these last be not national schoolmasters. When the Act was in Committee, Dr. Playfair supported an amendment withdrawing this exemption: but it was argued that

Digitized by Google

primary teachers, being paid by the nation, should henceforth be relegated to their primary subjects of instruction. It would be premature to speculate on the effect of this discouragement in Ireland to the emergence of clever primary school boys: but it is satisfactory to notice the efforts now made to organise intermediate schools and the universal satisfaction of Irishmen with the Act as a whole. They must be the best judges of their interests in this particular.

16. In France, a system of direct bounties to the primary schools of the towns is provided by the department, or township, or commune, and not by the State. They are called 'bourses' or bursaries, and are of two kinds, (1) 'internes,' carrying with them residence and maintenance, and (2) 'externes,' or non-resident. The former are worth 900 francs per annum, the latter 100 francs per annum. There are also half and quarter bursaries, subdivided according to the necessities of the 'boursiers' or recipients. The town of Havre-de-Grace gives twenty-five 'bourses' in the Lycées or secondary schools, as I was informed by M. Siegfried: in this, as in many other French towns, their provision for education is very liberal, primary education being gratuitous. I may insert parenthetically for comparison with our own schedule the French primary subjects: writing, reading, arithmetic, geography, history, drawing, and religious instruction, which last is obligatory on all pupils. I am also informed that besides these grants of public money, individual Frenchmen may, and do, bestow private 'bourses' both in their lifetime and by special bequest. The late President of the French, M. Thiers, the foremost historian, publicist, orator, and statesman of his country, owed his first advancement to a bursary founded at the Lycée of Marseilles by the First Napoleon.

17. It is now incumbent on me to debate the thesis proposed for discussion: Which are the best methods of linking primary with secondary education? The necessities have been pointed out, as well as various methods of encouraging such a transition in England and elsewhere. The Legislature has suppressed, and rightfully suppressed, indiscriminate gratuitous admission into the endowed secondary schools. The Commissioners deputed by the Crown have recognised the obligation to compensate the poor for their loss, often not appreciated by them, and have applied the palliatives within their reach. Their procedure is admirable, and, in many cases, must be sufficient. But it cannot be believed, that in every town adequate provision can be made from existing sources of supply. Whence can such deficiency be met? Either from

Digitized by Google

the town itself, as in France, (for it should have been stated *in limine*, that secondary schools in towns alone come under our purview) or from the State. The French have not at present a compulsory system of National Education, although it is contemplated, and yet, as good patriots, they recognise in their townships the importance and moral obligation of this linking, although they logically keep the two 'genera' of education rigidly apart. Here, in England, the benevolent philanthropy that contributes to support separate denominational schools might find scope in providing bursaries for elementary schools, by permanent endowment or by annual contributions. Such help has been already administered in London by the Drapers Company, and other bodies, who have given to the London School Board 43 scholarships, all or most of which are set apart to education in secondary schools. Sir Charles Reed, the Chairman, in his recent address, states that their first day scholar is now passing through the City of London School with the utmost distinction. Sir Charles, in consideration of the increasing numbers of primary scholars, pleads for the exercise of further private munificence to enable parents in humble life to procure advanced instruction for children of great natural ability. But if voluntary effort should prove insufficient, an appeal might be made to the State, not only on just general principles, but particularly since it has terminated the existence of Free Schools, and since it recognises the virtual claim by authorising its Commissioners to found such bursaries, where the endowments are sufficient, and by subsidising Science and Art pupils in primary schools. An appeal might be made to complete an organisation of outlets for merit and laudable ambition, to stimulate both primary and secondary education by free and unrestricted competition for sufficient bursaries and exhibitions, and thus to train up a constant flow and succession of able, faithful, and contented servants of the Crown and country.

DISCUSSION.

Mr. Rowland Hamilton (London) said the organisation of our schools was indeed a point of the utmost importance. As the President's opening address had been referred to, he would say a few words with regard to it. He entirely agreed with the assertion that the system was altogether wanting in general principle. What he did regret, however, in the remarks of the Noble Lord was that he could not see in them anything but a repetition of the same confusion which he himself had deprecated. A large number of schools had been developed,

Digitized by Google

under Government inspection, since 1856, when the plan adopted was simply to give a stimulus to voluntary local exertions. They had thus sprung up, without the slightest regard to system, or to the general wants of the community. No attempt was made to introduce a better arrangement, which might have been devised to give broader scope, greater efficiency, and also far greater economy to the system. He would explain why he demurred to the President's statements. Persons who were practically interested in the question were much afraid of exaggerated statements, which provoked a temporary cheer from one party, but were afterwards refuted by the opposite party, who exulted in their triumph. It was an exaggeration to state that 59 per cent. of the children who presented in extra subjects, could not read or write; because 80 per cent. passed in two out of the three R's. But the far more important point was, that only 25 per cent. of children in the higher standards had come up to these extra subjects at all. As a matter of fact, it was, as a rule, only the schools most ably supported, with both an adequate staff and adequate management, that took up these extra subjects; while there was a great number of schools that, not only never dreamt of taking up those subjects, but were so lamentably weak as to be unfit to teach even up to the fourth standard. It was such schools as these that reduced the average of passes in the three R's. These examinations, under Article 21 of the code, were not to be confounded with those under Article 19 c. i., which were class examinations introduced as a concession to teachers who complained of the extreme rigour of an individual examination in the three R's only. In reality, the state of our Primary Schools was far worse than Lord Norton had represented in his address, because it might have been stated, with very great truth, and with much greater force, that a striking indication of weakness of the present system was that, instead of about 45 per cent. of children in elementary schools coming up to the higher standards, not more than about one-fifth did so. All the fear, as to the population at large being over-educated, was misplaced; the danger was altogether in the other direction. He had, for some years past, formed views similar to those which Mr. MacCarthy had expressed in his paper; but then felt that it was unwise to press prematurely the question of these secondary schools, which were most immediately in connection with primary schools, until the country could see what might be done for them by means of endowments. He regretted that the work had not proceeded with the vigour which four years ago they had reason to expect. What he contemplated, as a practical solution of the question, was that endowments, where they could be made available, should be applied to carrying on the secondary education of children from primary schools; but, where these endowments were not available, it was surely a question well worthy of serious consideration, whether primary schools might not be so carried on as to supply the place of third grade secondary schools. In that way they might serve a double advantage, by relieving a large number of schools that were lamentably weak; and, in speaking of a system, they must contemplate the average teacher, and not the teacher of exceptional powers. Sometimes one only was charged with the education of

Digitized by Google

practically more than a hundred children, with the assistance of only one pupil-teacher, whom he himself had to educate. This was the position of many small schools, constituting in the aggregate a very large proportion of the children who had come under instruction. It was above the capacity of any ordinary teacher to educate a group of children between the ages of 3 up to 12 and 13 years. But if they were relieved of the charge of children beyond the third standard, and could be led to take a just pride in turning out pupils able to go into secondary schools, there would be an immense gain both to the teachers and to the taught. One important question might be asked: 'What do these children want to be educated for?' Did they contemplate gaining a living by literature, for example? Only some small portion of them could possibly earn their livelihood from that pursuit, and only a very limited number could ever expect to do so. This was a consideration which ought to be constantly borne in mind in regard to endowments for higher education. But there was another and far broader view of education, and that was the reason which made it important that these secondary schools should be regarded not simply as carrying children on, in a scholastic sense, but as giving to primary education that support which it urgently required. What they wanted was to raise the general level of intelligence. Instead of having men who were incapable of sympathizing with any of the higher culture or higher efforts of thought, in any capacity, whether as skilled mechanics or farm labourers, they desired to raise the mind of men in all classes to a level where it might best receive the instructions which were necessary for the development of industry in every branch. Instead of being mere passing recipients, the taught should be so directed in their studies as to be able ultimately to afford to their instructors that intelligent and discriminating criticism in detail, which was the best preventive against higher instruction falling into a mere dead pedantry that petrified into routine, and was so obnoxious to any form of advancement. For the welfare of the masses in the way he had indicated, for giving them some recreation which would be recreation in truth, to take the place of amusements which were terribly the reverse of recreative, as well as for the selection of fit and duly qualified leaders, this better organisation of schools was most eminently to be desired.

Mr. T. E. Heller (London) recalled the attention of the Department to the question how best to connect primary and secondary education? This was one of the most difficult questions connected with education in this country, that yet remained unsolved. In the London Schools the attempt had been made to solve it by means of a considerable but an inadequate number of scholarships. The bursary system he regarded as a practical and happy solution of the difficulty. They would never be able to connect primary and secondary schools for real practical purposes until they adopted some such system as that recommended by Mr. MacCarthy—viz., a system of graded schools. The proposition was one which had been pressed forward by practical men during the last seven or eight years. A system of graded schools would give them the means of properly preparing the pupils in the primary, before they passed on to the secondary, schools.

Digitized by Google

Another condition, which must be fulfilled, as far as he was able to form an opinion on the subject, was that until they had established all over the country secondary schools properly reformed, and until the teaching power was made technically and professionally strong, they would never have secondary schools, except in isolated cases, to which they could send pupils properly prepared. The whole result would have to be brought about by a general reform in primary and secondary schools. It was a pity that they seemed doomed to blunder on to success. It was quite clear that, when the School Board system was established, and before they undertook to spend some 7,000,000*l.* or 8,000,000*l.* (which they had since expended), in building schools throughout the country, this system of graded schools had not been fully discussed. The economy in teaching power, and the increase in the effectiveness of teaching power, under this grade system, exceeded the supposition of many persons. He had no hesitation in saying that a considerable portion of the work of the teachers, in the ordinary schools of the country, was rendered less effective then it would otherwise have been by the fact that one or two teachers had practically to conduct the teaching of seven or eight stages. Under those circumstances educationalists could not expect much more than had been accomplished in the primary schools. He, therefore, looked for the real overlapping of schools, and the connection of the two grades, to a reform in the schools all round. They must have the primary schools better graded, as proposed by Mr. MacCarthy, and an ample number of bursaries should be provided, to enable the best fitted and most able of the primary scholars to pass on to the secondary schools. But in London other difficulties were encountered. The teachers of the secondary schools, to which the prize scholars had gone, reported that it was useless to continue some of them; that, after holding scholarships for one or two schools, they were fairly beaten in the race by those boys whose home circumstances and home conditions had enabled them to outstrip those boys who, though they had greater natural abilities, did not possess the home advantages of their more fortunate competitors. Therefore, if the reform was to be complete, and the connection made perfect, the bursaries must cover, not only the payment of fees in secondary schools, and provide the pupils with a certain amount of books, but also a certain amount of private preparation to compensate for the advantages which children of more affluent parents certainly possessed. In connection with this subject there had cropped up the vexed question, what was the real condition of education in public elementary schools. He, who had been endeavouring for three or four years to convince some eminent educationalists that things were not nearly so bad as they seemed, was much obliged to Mr. Rowland Hamilton for the correction he had given to figures quoted by Lord Norton in his opening address. He would like to question those remarks in some degree. Mr. Hamilton asserted that 25 per cent. of those in the schools [Mr. Rowland Hamilton: 20, instead of 45] came up to the normal standard. In order to show what that statement was really worth, they ought to have before them, at the same time, the percentage of children in the schools above the age, say, of ten years. If these figures

Digitized by Google

were furnished, he believed they would show that of those children who ought fairly to be expected to have passed the fourth, and gone on to the higher, standards, the large percentage of from 50 to 60 had been presented in those standards, and passed fairly in the subjects. In the elementary schools there was an immense amount of work done that was not tested by Government examination. The children began to pass out to labour directly they reached the fourth standard; and though the whole influx of pupils was got into the lower part of the school, the great egress was naturally from the upper part. Therefore, it was found, with the 250 attendances test (*i.e.*, no children could be examined, and consequently they did not come into the reports as successful passes), that a large number of the children, who did go far on into the upper standards, left school during the school year, and were never presented for examination. But the work and the success which they had attained ought to be taken into account, in computing the actual results of our primary schools. Under the present arrangement there was a considerable number of successful pupil-teachers, labouring to bring results up to the desired test. There must be something wrong in the computation which had been made, when it was known that these teachers were, at present, labouring to the detriment of their health, and were breaking down at an early age. It did not follow that, because the results were not recorded, they were not achieved. His belief was that, to a large extent, the results were unrecorded. The detrimental observations, so frequently passed, with reference to the work in elementary schools, must not be accepted without further examination. He was the last to assert there was not much more to be done in those schools; and he believed that the proposition made by Mr. MacCarthy, or some similar proposal, would help them onwards to great success in the future. In the large centres of population our schools ought to be graded. It should not be merely a grading of the higher schools; but the Kindergarten system, as well as the infants generally, ought to be placed in a proper position, and not be forced into a stage of school work to which it could not be properly applied. There should be preparatory schools—infant or Kindergarten schools; they ought also to have intermediate schools leading up to the age of ten years; and then upper schools dealing with upper standards, with special teachers and special curriculum. The latter plan was adopted, in 1872, by the London School Board, but for some reason or other they had not the opportunity or the courage of putting it into practice. He trusted that the discussion would contribute towards disseminating a little more practical knowledge upon these important points connected with the elementary and secondary education of the conntry.

Mr. Rowland Hamilton disclaimed the least intention of discouraging the work of the teachers. He agreed with Mr. Heller on the point. He had spoken only of the results, instead of the difficulties, in order that the difficulties might be mitigated.

Mr. Mark Whitwell (Vice-Chairman of School Board at Bristol), said they had in operation at Bristol a tolerably complete system of bursaries. The 'ladder from the gutter to the university' really

Digitized by Google

existed through the public elementary schools, second-grade boarding schools, and grammar school in that city. These boarding schools and the grammar school were founded through the liberality of men of a past age, and were, until the last few years, managed by trustees who, in the case of the boarding schools, placed in them what children they chose. Four or five years ago the governing bodies were reconstituted, and the right of patronage nearly abolished; now, boys and girls from public elementary schools can obtain by competition admission to these second-grade boarding schools, and when there can, in the case of boys, win scholarships in the grammar school or Trade school, in the case of girls, exhibitions that will enable them to pursue their studies for two years in some place of higher education. The boys in the grammar school have the opportunity of obtaining exhibitions tenable at one of the Universities. 60 orphan boys and 50 orphan girls between 8 and 10 years of age are eligible for admission to the boarding schools, and other children, between 10 and 12 years old, are selected by competition from those attending public elementary schools within the borough, an indispensable qualification being that they shall have made 400 attendances at least in the year. The boys are retained until 14, or, in special cases, until 15; and the girls until 15, and, in special cases, until 16. In the course of a few years there will be in Bristol second-grade day schools under the same management for 600 boys, and for 200 or 300 girls; and children from public elementary schools will be able to obtain free education therein after passing successfully through a competitive examination; other pupils will have to pay about 5*l.* a-year. It would be extremely desirable that in all the principal towns of the kingdom a similar system should exist. He approved of Mr. MacCarthy's scheme of graded schools. Mr. Jeffrey had said that compulsion was the means adopted for securing the attendance of children in the elementary schools, and that no prizes were offered to induce them to attend. In Bristol, the experience of the School Board was that, although prizes were offered, that inducement was not sufficient to secure the desired result; and they were obliged to resort to compulsion, and a considerable amount of it too.

Mr. James McClelland (London, formerly of Glasgow) said with reference to that portion of Mr. MacCarthy's Paper relative to the teaching of natural science in elementary schools, he took exception to that gentleman's views, that it would be almost impossible to give such tuition to children after having completed instruction in reading, writing, drawing, and arithmetic. He begged to say that the problem had been solved so far back as the year 1851, when he, along with his friend Richard Cunliff established a school in Glasgow, which among other objects was intended to show the community what a system of national education should embrace. The tuition included the subjects of physiology, beginning with instruction from the skeleton, and leading the children on to the well-known diagrams of the human body, by Marshall. Elementary principles of chemistry were also taught, by utilising the schoolmaster's table with apparatus and gas for this purpose. This system of tuition was successfully carried out till 1872, when the Scotch Education Act came into operation. In this manner

Digitized by Google

both boys and girls, almost all belonging to the working classes, were taught these subjects, and little or no difficulty was found in successfully imparting them after the R's had been mastered. This tuition continued till the children left school about their thirteenth and fourteenth years. The difficulty of starting this class of teaching was the absence of qualified instructors, and we found that could only be successfully overcome by taking one of the teachers from ordinary work, and sending him to the College of Glasgow and to Anderson College to acquire a competent knowledge of these extra subjects. One of the masters (John Mayer) was so sent, and became so proficient in physiology and chemistry that he was able to undergo an examination to qualify him as a doctor in medicine. Several of the pupils taught at this school, following up their education in maturer years, now hold good positions in Glasgow. Three of them had gone into higher schools and colleges, and were now practising as surgeons. Others had passed examinations of the science and art department, and one of the pupils had won a Queen's gold medal through his efficient answers on questions in chemistry put by the examiners. A large majority of these pupils of the working class were thus elevated to a higher platform among their fellow men, through the tuition thus imparted. The author of the Paper now under discussion will thus see that the one thing wanting in the training of the schoolmaster of the present day is the absence of knowledge of natural science in his education and training, and until such knowledge is efficiently imparted you are powerless to carry forward the work of natural science in elementary schools. In short, as I have often stated at these Congresses, and at the British Association meetings, you cannot expect to conduct scientific education until you have thoroughly educated teachers in science.

Mr. Jeffery, in reply, said the whole question appeared to him to lie in a nutshell. They all agreed in one great desideratum, which would create harmony instead of discord, viz., a Minister of Education, —some person who should criticise passing and conflicting theories, as well as digest all the experience and abstract ideas that had been brought to bear upon this subject. In that case, they would 'blunder' into true success. The difference between Mr. MacCarthy and himself was one of method. Mr. MacCarthy was in favour of a distinct grade—an upper grade of elementary schools, where the subjects in question might be taught. On the other hand, he was himself in favour of such a grade, but not in the same place; where no secondary schools existed he would create them, for the purpose of carrying on this work. He had no scruple as to laying hold of the founders' bequests, but would combine them with additional endowments from private benefactors, or if necessary, with State aid; so that, in England as in France, a uniform system might be established, all under proper control and regulation. With regard to the second part of Mr. Forster's Act, he entertained views which differed from those held by the President of the Education Department of the Congress. The Charity Commissioners in their last, as in their former, reports, advocated the necessity of carrying out forthwith the principle, that it was not sufficient to remodel the institutions

Digitized by Google

unless there were some process for keeping them in a state of well-being. He had no sympathy with the exclusiveness of educators who held that public criticism would be sufficient in secondary education. He denied that assertion. Secondary schools required inspection as closely as primary schools. The public were not the best judges in such a matter. If it were left to the managers of institutions, they would work their own private ends. A gentleman, speaking with authority, had written an article in 'Fraser's Magazine' on the thesis: 'Is a schoolmaster's a learned profession?' and had dwelt upon the ignoble motives which swayed in the public schools,—such as the competition in feeding boys, in order that the masters might make their fortunes rapidly. Were these persons worthy successors of Arnold? Did they use the trowel with the spear? Did they help to build up strongholds of knowledge, while they warred with ignorance in others? He, for one, thought they never felt such a responsibility.

The Rev. E. F. M. MacCarthy, in his reply, said the question which presented itself for consideration now was, whether they should have a development upwards of the elementary schools, or put a secondary school wherever it was wanted. As a practical question he believed it was possible to form a sufficient number of upper departments of elementary schools; but it was not possible to put secondary schools within reach of every child. In Birmingham, as in Bristol, the gradation of secondary schools was complete; in London, by the philanthropy of companies, and others, exhibitions had been forthcoming from the primary schools to the secondary; but throughout the length and breadth of the land, seeing how endowments were scattered about, regardless of the needs of the present population of the country, there were vast areas in which no secondary school was within reach, and where the philanthropy of the locality was completely exhausted in keeping the heads of the denominational schools above water. Next, as to this endowment question:—by the Endowed Schools Acts, a large number of endowments were being devoted to the purposes of *ordinary* elementary education, *i.e.* they were saving the rates, in School Board districts, or saving the pockets of the rich subscribers; a mode of utilising endowments which was both undesirable and unnecessary. The point, therefore, to be aimed at was, by legislation, to get those endowments for *special* uses in connection with elementary education. Mr. Jeffery had alluded to doles. With reference to doles, Parliament had sanctioned their conversion to educational purposes,—'Provided that such conversion to educational purposes receive the sanction of the existing trustees.' Everybody knew very well what trustees were. What were the present facts? Endowments to the extent of upwards of 120,000*l.* a-year were, in 1869, devoted to doles; whereas the amount of these doles, converted to educational purposes with the sanction of the trustees, was only 10,500*l.*, or less than one-tenth. What they wanted was the repeal of Section 75 of the Education Act of 1870, or, at least, its modification; so that all the elementary endowments, which were now being used for purposes of simple elementary education (most of it in the first four standards) would be taken, not altogether away from elementary education, but out of their present

Digitized by Google

position and diverted to the maintenance of upper departments. Exhibitions should then be given to all the scholars of those schools; which would take the form either of total reduction of fee, or of partial remission. Mr. Heller had said that, in London, where the experiment of sending clever Board School scholars to secondary schools had been tried, the teachers of the secondary schools reported that it was useless to continue some of the exhibitions, because these lads were beaten by those who had better home conditions and surroundings:—these scholars coming from the elementary schools received no other education than that which they got within the four walls of the schoolroom, and so were hopelessly distanced in the race by the others, who had the advantage of a more cultured home. If that was the case, surely it was an additional argument for taking the clever child out of the ordinary elementary school, and, before they placed him in the secondary school, putting him in an elementary school of a higher kind, where, under competent teachers, he might acquire mental culture of a wider character.

The President (the Hon. George C. Brodrick), in summing up the discussion, which he considered a very interesting and exhaustive one, quoted from the report, for the present year, of the Committee of Council on Education some statistics, bearing on the question raised by Mr. Rowland Hamilton in reference to a statement in Lord Norton's address. The passage in the report was as follows:—'It thus appears that, whereas out of 1,335,118 scholars examined, as many as 655,435, being over ten years of age, *ought* to have been presented in standards iv.-vi., only 264,860 *were* so presented, while 390,575 were presented in standards suited for children of seven, eight and nine years of age.' He agreed with what was said last by Mr. Jeffery; the real question before them (as far as there was a question) was between upper departments of primary schools and lower departments of secondary schools; and in deciding between these two systems, as far as they really were conflicting, they must bear in mind the distinction between the two objects. If they wanted to bring about educational promotion by merit, Mr. MacCarthy's scheme alone would not do much to help them. It would be very little service to have upper departments of primary schools, however admirably constituted or taught, for the purpose of helping forward young promising boys to raise their position in the social scale; and going to the universities, they could not pass direct from the upper departments. On the other hand, Mr. Jeffery's scheme, taken by itself, would not do so much; he was not sure that it would do anything to raise the general level of primary education. Mr. Jeffery's scheme seemed to have one object in view, and Mr. MacCarthy's another. On one point they appeared to agree—namely, on banishing the highest teaching from the existing primary schools. Mr. Jeffery said that specific subjects might be withdrawn from primary schools, while Mr. MacCarthy would draft off the upper standard boys of the ordinary primary schools to the upper department. The result would be that masters of the ordinary primary schools would not be called upon to give the highest kind of teaching. That would be a serious drawback to either scheme. It would depress

Digitized by Google

the energies of teachers, and take off those pupils of whom they were most proud when they were making the greatest amount of progress. That evil had been seriously felt in Scotland since the new system of education had been gradually developed there. In the old parish schools in Scotland formerly boys were trained for the universities, and ultimately for the ministry. Now, as secondary schools were being more fully developed, and higher teaching less encouraged in the lower schools, the masters were losing that stimulus which before incited their best energies; and though he thought the new system preferable, he could not but regard that tendency of it as a serious drawback. Then, as to the financial difficulty, it must be faced, whatever one's own views might be about the policy of supporting secondary education out of the rates. There certainly was a very strong objection and strong feeling in the country—which, for the present, they must assume as a fact—that primary education must be properly supported out of the taxes or the rates, but that secondary education ought to be paid for either out of endowments, or by the parents who availed themselves of it. Therefore, he thought there would be a financial difficulty in carrying out such a system as Mr. MacCarthy proposed, however much he might sympathise with it otherwise. Nor must it be forgotten that the system would not be applicable to the country. It was specially applicable to the towns, whereas it was just in the country where no secondary schools were available that it was most wanted. At present the children of poor parents in the country had very little prospect of rising to grammar schools; and, on the other hand, they could not be expected to attend elementary schools of a higher class two or three miles distant. He felt strongly what he had said the other day, and which he found was in harmony with the general opinion of speakers in the Department—viz., that encouragement should be given to the ablest scholars of primary schools to rise to grammar schools; not merely by giving them free admission, not merely by relieving their parents from the cost of their education, but by giving them such exhibitions or bursaries as would cover the cost of maintenance. The Charity Commissioners stated in their report that in some cases scholarships were now established of such a value as to provide, not only for the cost of tuition, but also for some part of the expenses of attendance at schools. That principle should be followed out farther. At Bristol, and also at Birmingham, it was carried out already. It was possible, under that principle, for the child of a working man to rise from a primary to a secondary school, and from a secondary school to a university, even though the parent might not be able to contribute more than a few pence a week. On the whole, the conclusion at which he arrived was a satisfactory one. There was no reason why they should not adopt the best features of both these systems. In towns they might beneficially constitute upper departments, such as Mr. MacCarthy proposed, though it would be necessary to make some financial arrangement which would not throw too much expense on the ratepayers. On the other hand, he was entirely in favour of Mr. Jeffery's view, that they should, by every means, encourage the *élite* of the primary schools to rise to secondary

Digitized by Google

schools, not only for their own advantage, but for the advantage of the State itself. Indeed, he might conclude in words very familiar to all: 'We ought to do the one, and not to leave the other undone.'

On Spelling Reform.[1] By FRANCIS W. NEWMAN, Emer. Prof.

MY time is short: my subject ample. I must aim at the utmost conciseness. I have distributed a short printed tract containing an explanation—1. Of all the marks which I propose on vowels. 2. Of a few marks which suffice to remove the ambiguity of consonants. 3. Tables of irregularities, on which I shall comment. But first, I beg to state some principles which I assume.

1. I regard a total revolution in our orthography as quite inadmissible. I do not now *argue* on this matter, for it would waste my time. If any revolutionists are present, I beg of their courtesy not to intrude their views and plans just now, when I do not address *them*, but desire to elicit opinion from those who with me entirely deprecate any chasm between the old and the new literature.

2. I nevertheless maintain, that, while an extended knowledge of our language is of great importance to English interests and to the moral enlightenment of Asia, the discord between our writing and our speaking is a serious embarrassment.

3. Such discord, more or less, is inevitable while we have fixed local differences of pronunciation. A double problem lies before us: *on the one hand*, to strive towards unity, with an obliteration of coarse plebeian utterance; *on the other*, to agree upon marks which shall distinctly explain what utterance is intended. The latter problem is comparatively easy, as the few printed pages which I have distributed show. The former problem is more difficult, but is in itself morally desirable, even if we had no literature. How great success may be gained by well-ordered national schools is instructively shown by little Greece; which, in less than a century of private effort, and half a century of State organisation, has marvellously cleared off a chaos from her speech; and every twenty years has taken long strides *back* towards a purer vocabulary and nobler syntax.

4. I say one function of literature is to check the ever-acting tendency of slang, fantasy, and depraved taste which damage simplicity, destroy melody, and confound different words. Our writing is more distinctive than our speaking, and

[1] See *Sessional Proceedings*, 1876–7, p. 101.

Digitized by Google

we ought carefully to retain such advantage as it has. We must not yield to the evil tendencies of innovators in pronunciation, especially fashionable idlers, but resist them, and cause them to be resisted in the national schools.

5. When I speak of fixing a normal pronunciation, I no more mean that we adults shall be called on to change our habitual speech than that we shall remodel our handwriting. Very few of us will claim perfect caligraphy, yet we agree that writing-masters shall form the taste and eye of children to more perfect forms of the letters than we ourselves execute. So too we admit a few homely contractions in speech, as *dönt, wönt, shànt, tuppence;* but we forbid them in serious reading. If we had a generally understood mode of marking a text, so as to fix the sounds intended, different counties would learn their special diversities, and out of self-knowledge would arise discussion and a movement towards unity. But no one country or county of the United Kingdom would be able to dictate its own utterance as a law to the rest. Each is likely to have its weak side; *reasons* must be given *why* one pronunciation ought to be normal; and if there is good temper and no dogmatism, we shall tend towards unity.

6. In selecting suitable marks, we ought to prefer those which are familiar to our printers, and avoid all that are disfiguring to a text, or hard to see. A single dot is not easy to see, unless it be too large for a printer's taste.

So much may suffice for principles. Let us remember that our case is by no means peculiar. French is harder to write down from listening than is English; to read it from a book correctly needs many grammatical rules, and if it had not three accents it would be harder still to read. Greek needs accents; Polish has plenty of them; and though classical Italian has an orthography almost perfect, Italy has been said to have five languages, so different are the local dialects. Most Italians have two languages to learn, as diverse as our written and spoken languages. There is no reason to scold over and deplore our linguistic condition, but simply brace ourselves up to improve it.

I proceed to some remarks on the printed papers in your hands.

My first practical wish is to secure your influence with all School Boards, to have such Tables of Irregularities set up in every primary school room. The eyes of children ought to be familiarised with the words which have an irregular sound. From these schools information would radiate. The public would become aware how limited is this problem: hence would

Digitized by Google

arise a willingness to accept small improvements. At present everyone is afraid either of being thought ignorant, or of plunging into chaos, if a single change of spelling is admitted.

If I am asked with what I wish to *begin at once*, if I could attain agreement, I will try to answer concisely:

First, I desire to omit boldly certain letters which all know to be superfluous; these are chiefly in two Tables. In the first Table is *ea*, wrongly for short *e*. This is so noxious, that when the public has before it a complete list of the words, I believe they will gladly acquiesce in dropping the *a*. Much the same may be said of the *u* in Honour, Favour, &c. It is sickening to hear people argue that we ought to retain it as a *memento* that it comes to us through French. Why then do they not write Editour, Pastour, &c.? The *u* was fast going out in all these words sixty years ago, but a few pedants headed reaction successfully. No one writes Honourary: why insist on Honourable? If a committee appointed by this Society advised the omission, we might get rid of a noxious *a* in some seventy-five words, and a superfluous *u* in all that are derived from the Latin termination *or*; and a beginning would be made of cautious improvement.

Next, I desire that at least a few authors would take boldness to print two dots over *a* and *e*, two dots under *o*, and a circumflex over *o* in a few words where it may seem peculiarly necessary: such as

ängel, dänger, ëvil, s̤on, c̤over, dô, môve, tômb.

The public would quickly see the advantage of this. No compulsion would be put on any one. No chasm would arise between our old library books and our new literature. Dr. Samuel Johnson deprecated writing Music, Public, Mimic, without *k* at the end, and in Mimicking we have still to insert *k*; but no one is offended by the contrast of old and new style so limited. And when complete Tables of the Irregular Words become diffused, no reluctance for so small improvement would be encountered.

If a movement of this sort once began, one might print at the beginning or end of every volume, indeed every pamphlet, concise tables of the words whose spelling we alter; and if funds were at hand one might advertise these in magazines. *The main thing needed*, is: that those who agree in principles should not cause confusion by adopting different marks and modes in detail.

I have copied out for myself specimens from Adam Smith, Sir James Macintosh, Sir John Herschel, and others; and

Digitized by Google

have accented these so as to remove ambiguities. Any one who glances at the pages will see how little their aspect is altered, though I introduce Greek *θ* for our sharp *th*.

SYSTEM OF VOWELS AND DIPHTHONGS.

	A	E	I, Y	O	U
1.	man parish charity	men merry merit	pin, pity spirit mirror	sot sorry coronet	tub hurry
2. [The *name-sound*].	mäne main they neigh nay	mëte, me meat, bee meet conceit field	pïe, dïe pīne cry high bïte	töe tōw boat söul söle	tüne dūe dew valüe neuter
with broken R	pēre pâir scārce	pēar hēir thēre	After sh, ch, or j the ü and û are indistinguishable.		
3.	fàther fàrther fàr pàss	hèr ‡ (broken r)	flr ‡	gòne lòss fòrd law	fùr ‡ cùr
4.	àll, awl maul wàr wàter	grêat * brêak stêak	marîne invalîd green tier	dô too tômb môve	rûe rûle brew you
5.	whạt wạs wạsp	brạad [omit *a* ?].		sọn cọver wọrry	bụll pụll pụt
6.	àny † sàid † mány † villàge			tŏ § bŏsom wŏlf wŏman	

* Three words only. *Fête* is French.
† Exceptional.
‡ *Hèr, flr, cùr* rhyme perfectly: (the accent is superfluous: broken *r* supersedes it:) so *pāre, pâir, pēar* are identical in sound.
§ Four words only.

As we may write Hen and Her with the same vowel (though Hèr would be more accurate), so we may write Wọrry, Wọrd, Wọrm with the same vowel ọ, though in the two last the broken *r* slightly lengthens ọ.

Further: I ask special attention to my last Table, which consists of very eccentric words, generally isolated, most of

Digitized by Google

them errors or fancies in spelling. A Table of these ought above all to be diffused. When the public understands the true case, that the received spelling is a blunder, as in ***Busy*** spelt with *u* instead of *i*; as in Build with *u* mischievously inserted; as in Limb with *b* gratuitously stuck on; as in Colonel with a stupid *l* instead of *r*; I do not fear that violent resistance to change will be made by any one who holds in his hands the entire Table, and sees the limit of innovation. Prudent, well-reasoned improvement, which does not alter the general aspect of the language, will have a sure and steady march.

On the detail of my marks I will only observe that that long sound of English vowels which Professor Jarrett calls their *name*-sound, viz., that which is heard when we name A E I O U, ought surely to be denoted by the very same mark. The Germans write *ä* for the first, and two dots above suit well for all. This sound of the letters is characteristically English.

SCHEME FOR DISTINGUISHING AMBIGUOUS CONSONANTS.

[On *gh* sounded *f*, see Table XII.]

For	*Write and Print*
Gear, Gimlet, &c.	'Gear, 'Gimlet, &c.
Hunger, Finger, &c.	Hun'ger, Fin'ger, &c.
Hanger, Bringer	Hanger, Bringer
Ague, Languish	Agüe, Languish
Chaise* Machine	Çhaiṣe, Maçhîne
Archives*, Architect	Ar'chïveṣ, Ar'chitect
Ocean, Gracious	Oçean, Graçious
Vision, Sugar	Vi'sion, Ṣugar
Nation, Mission	Näṭion, Miṣsion
This, thing	Δis, θing.

[* When *s* is sounded *z*, there is much to be said for *printing* it by the Greek capital Σ which suggests a Z to us: as

waΣ, churcheΣ, roΣe, loΣe,

But this would not suit manuscript.]

Z *very* seldom takes the sound of French *j*. Most persons so sound it in Azure; yet äzüre (with pure *z*) is as good. At the worst we can surmount *z*, if necessary, as '*s*, with the Greek aspirate.

Initial Gh is found only in the roots Ghost and Ghastly. The adverb Aghast is Agast in some dictionaries. Initial Gu before a vowel is never sounded as Gw: thus no ambiguity exists as to initial Gh nor Gu, and we need not now be troubled by them. The word Ague I propose to print Agüe.

Digitized by Google

It might be worth while to strike a single type for the nasal *ng*, which is indeed a single sound, if to couple the letters in some way involves as much trouble.

The termination *tion* is so common, and the pronunciation so uniform, that a cedilla under the *t* would barely be of use to call the attention of *learners* to the fact that *ti* before a vowel has the force of *sh*.

Nor do I venture to recommend *at present* the introduction of Δ for blunt *th*, though it gives the exact sound. The words *the, this, that*, recur so often, that the aspect of a page is unpleasantly altered by Δ; but if Θ θ be used for sharp *th*, no ambiguity remains.

For the same reason I do not advise writing *ov* for *of*. No error does or can arrive from *of*, irregular as it is.

But the demonstrative *thát* ought ALWAYS to have an accent on the *a*, while the relative and adverbial *that* (sounded with obscure *ă*) never has an accent.

To the two words *'one, 'once*, I suggest to add an apostrophe.

IRREGULARITIES.

Table I.

ea for *e*, absurdly.

1. earl, early, earn, earnest, earth, hearse, rehearse, learn, pearl, search. [yearn? yëarn?]
2. dealt, dreamt, heard, leapt, leant, meant, breadth, dearth, health, stealth, wealth [*ea* in these is a grammatical error], cleanse, cleanly, cleanliness, zealot, zealous, jealous, jealousy, treacherous, treachery.
3. bread, dead, death, deadly, deaf, deafen, head, heady, lead (*metal*), leaden, read (pp), ready, already, dread, dreadful, spread, stead, steady, thread, tread, breast, breath, breathless, realm, sweat, sweaty, breakfast, endeavour, meadow, feather, heather, weather, leather, leathern, heaven, leaven, weapon, measure, pleasure, treasure, pleasant, peasant, pheasant.

At the same time *Read* (pp) should be written *Redd*, and when *Bread* becomes *Bred*, the verbal *Bred* (from *Breed*) should be written *Bredd*; also *Led* (from verb lead) should be written *Ledd*.

In the Midland Counties I am told that yearn rhymes to Urn, Burn. If this is more prevalent it should be written *yern*. But I am familiar in the South only with the pronunciation *yëarn*.

Digitized by Google

Until the superfluous *a* is dropt, we may write *ea*. The sooner it is dropt, the better.

Table II.

Words in which *ow* or *ou* means long *ö*.

Böw, Blöw, (Blöwn) Cröw, Flöw, Glöw, Gröw (Gröwn), Knöw (Knöwn), Löw, Möw (Möwn), Röw, Söw (Söwn), Shöw, (Shöwn), Snöw, Stöw, Ströw (Ströwn), Töw, Flöwn (from Fly). *Also* Slöw, Böwl, Jöwl, Löwer.

The W is no more wanted in Söw, Söwing, Söwer than in Go, Going, Goer. [Webster writes *Bowlder* for Boulder, and connects it with Bowl.] *Also*, Böulder, Contröul (or Contröl), Cöurt, Cöurtly, Cöurtier, Cöurtesy, Döugh, Föur, Möuld, Möuldy, Möult, Möurn, Pöultry, Pöult, Pöulterer, Pöur, Shöulder, Smöulder, Söul, Söurce.

Table III.

ough for *ò* (sounded *aw*).

'Ought, Bòught, Bròught, Còugh, Fòught, Nòught, Sòught, Thòught, Tròugh, Wròught. Ten words.

Table IV.

French *i* long.

Antîque, Brigantîne, Caprîce, Ennuî, Fascîne, Gabardîne, Intrîgue, Invalîd, Magazîne, Maçhîne, Marîne, Pîque, Pelîsse, Polîce, Rôutîne, Suîte, Mosquîto (?), Palanquîn (?), Unîque.

Table V.

ou sounded as in French.

(6 Saxon words) Ousel, Touzle (*rumple*), Through, Uncouθ, Wound, You. (13 French) Accoutre, Bourn or Bourne, Croup, Group, Gourd, Joust, Ragout, Rouge, Route, Routine, Soup, Tour, Tourist. [*Also* Manœuvre]—write ôusel, accôutre, &c.

Table VI.

ou for simple U.

Chough (a bird) Enough, Rough, Tough, Slough (of snake), Country, Couple, Courage, Cousin, Double, Trouble, Flourish, Nourish, Sojourn, Journey, Journal, Touch. [Also such adjectives as Envious, Devious, Dubious, Copious, Captious, &c.]

Digitized by Google

Table VII.

ou for simple *o*.

Honour, Favour, Splendour, &c. . . . But *omit* the *u* in all these, writing Honor, Honorable, Honorary, Favor, Favorite, Splendor, Armor, Armorer, Ardor, Candor, Clamor, Color, Demeanor, Ende(a)vor, Flavor, Horror, Humor, Labor, Odor, (Odorous, Laborious) Rumor, Savor, Savior, Terror, Tremor, Vapor; just as: Actor, Author, Captor, Creator, Curator, Doctor, Editor, Executor, Factor, Governor, Lictor, Narrator, Orator, Pastor, Proctor, Perpetrator, Rector, Tutor, Victor, Warrior, and probably many others in which no one now writes —our.

Table VIII.

â for *au*.

(1) before l.—Âll, Bâll, Call, Fall, Falcon, False, Gall, Hall, Pall, Small, Squall, Stall, Tall, Thrall, Wall. Altar, Alter, Falter, Palter, Halter, Halt, Halbert, Malt, Salt. Balk, Chalk, Stalk, Talk, Walk [1 mute].

(2) after w or qu.—Wâter, War, Ward, Warden, Warder, Sward, Swart, Swarthy, Warm, Swarm, Warn, Warp, Wharf, Wrath, Wart. Quart, Quarter, Quartz. [47 words].

Table IX.

ą for short *o*.

Yącht, Wad, Waddle, Swaddle, Twaddle, Twattle, Wattle, Wallow, Swallow, Jalap, Walrus, Swamp, Wan, Swan, Wand, Wander, Squander, Want, Wanton, Whap, Wrap, Warrant, Warren, Warrior, Was, Wassail, Wash, Quash, Squash, Wasp, What, Watch, Squab, Squabble, Quadrant, Quadruped, Squad, Squadron, Quagmire, Squalid, Squat, [Squälor is Latin, known only to scholars]. Qualify, Quality, Equality, Quantum, Quantity, Quarry, Quarrel. (48 words).

[Quagga, being foreign, retains *a* sharp].

Table X.

o for *u*. (See Table VI.)

Above, Among, Attorney, Blood, Brother, Color, Cólander, Colonel [Coronel ?], Come, Comfits, Comfort, Company, Compánion, Compass, Constable, Covenant, Cover, Covert, Covet, Covey, Cozen, Discomfit, Done, Does, Dove, Dozen, Flood, Front, Glove, Glover, Govern, Governor, Honey, Love,

Digitized by Google

Lover, Monk, Monkey, Money, -monger, Mongrel, Month, Mother, None, 'One, 'Once, Other, Plover, Pommel, Some, *Soot, Shove, Shovel, Sloven, Slovenly, Smother, Somerset, Somersault, Son, Ton, Tongue, Won, Wonder. (62 words.) I place two dots under this o.

Table XI.

u or *ou* for Italian short *u*.

Bu̧ll, Bullock, Bully, Bullet, Bullion, Bulrush, Bulwark, Bush, Bushel, Butcher, Cushion, Courier, Could, Should, Would, Full, Fuller, Fulsome, Fulmar (*bird*), Pudding, Pull, Pully, Pullet, Pulpit, Push, Puss, Put, Su̧gar. Two dots also under this u.

Also in the South of England *oo* short in the following: (long *oo* in the North, perhaps better?) Book, Brook, Cook, Crook, Hook, Look, Nook, Rook, Shook, Took. Good, Hood, Stood, Wood. Foot, Broom, Groom, Room, Wool.

Table XII.

Ten words in which final *gh* is sounded *f*.

Cò̧ugh, Trò̧ugh, Là̧ugh, Drà̧ught,
Ch̤ough (a bird), En̤ough, R̤ough, Sl̤ough (of snake), S̤ough (subterranean drain), T̤ough.

Until the public consent to write *f* in these for *gh*, we may set a triple dot (.·.) over the g.

[The poetical or Scottish (?) verb Sough, a mongrel between Sigh and Sob, is sounded *Suff* by some persons, *Sou* by others. Webster says nothing of the pronunciation, but identifies it with a Teutonic verb *Soeffen*.]

A Slough, or swamp, is sounded *Slou*.

The verb to eat has two forms of the past tense, (*aorists* of Greek grammar)—I ate (antiquated), and I ett (modern).

Table XIII.

Words in which *ei* is sounded *ë*.

Conceive, Conceit, Deceive, Deceit, Receive, Recei(p)t, Seize, Weir, Weird.

Table XIV.

Words in which we may at once improve the spelling: the common mode of writing being in many a blunder, in others so eccentric that it is better to extinguish the irregularity.

* Sŏot in London; but Sŏot in some counties.
Some write Cullender for Co̧lander.

Digitized by Google

For	*Write*	*For*	*Write*
Gaol, Gaoler	Jail, Jailer	Sceptic	Skeptic (as by the Americans)
Whore	Hore	Shoe	Shoo (old pl. Shoon)
Build	Bild	Canoe	Canoo (foreign word)
Buy, Buyer	Bigh, Bigher	Have	Hav
Busy, Business	Bisy, Bisiness	Give	Giv
Friend	Frend	to Live	to Liv
Nephew	Nevew	Women	Wimen
Phial	Vial	Parliament	Parlement (as in old books)
Shew	Show	Houghs (of horse)	Hocks
Plait (straw)	Plat	Hiccough	Hiccup
Plait (a frill)	Pleat	Yacht	Yaght or Yat
Plaid	Plad	Colonel	Coronel (as of old)
Plat (of ground)	Plot	Schism	Sciam
Accompts	Accounts	Schedule	Shedüle
Accomptant	Accountant	Isle, Island	Ile, Iland
Receipt	Receit	Aisle	Aile
Gauge	Guage	Foreign	Forein
Cartouch	Cartridge	Sovereign	Soverein
Mosquito	Moskeeto		
Palaquin	Palankeen		
Hearken	Harken (as Hark!)		
Beauty	Beuty		

Certain words also ought to be written with *k* or *c* not *qu*, viz. Eskimo, Check (?), Checker, Kiosk, Lacker, Lackey, Licorice, Moskeeto, Palankeen, Picket.

In Women, plural of Woman, the vowel change of *o* was in analogy to other plural changes, as Man, Men, Mouse, Mice; and ought to be recognised in writing, as Woman, Wimen. The *gh* which is rightful in Bigh reappears in Bought. Jail, Jailer used to be very common; but now the correctors of the press will hardly allow me so to write. Gaol, sounded Jail, is a gratuitous irregularity. The *u* in Busy, Buy, Build is a blunder, as the *w* in Whore. Sh has as much right in Shedule as in Sheet.

Moreover we certainly ought to omit final *b* in Lamb, Limb, Comb, Coomb, Catacomb, Coxcomb, Honeycomb, Dumb, Numb, Benumb, Thumb; and may quite as well omit it in Tômb and Wômb.—In *Climb* we ought to retain and sound *b*, as they do in Cumberland, making *i* short, and distinguishing the word from Clime. Compare *Clamber*. So in some other words the Scottish and Northern pronunciation should be adopted as most correct; then no discord of sound and writing is met; as in Clērk, Sērjeant, Hēart, Hēarth. I have heard *People* sounded locally in three syllables, and perhaps this ought to be esteemed most correct.

Digitized by Google

Root words with *H* initial mute.

Heir, Honest, Honor, Hour, Humor—5 only—or even 4.

[In Humid, Horary we sound H; so in Heritage, Inherit, Heritable. In Herb, Humble, Hospital, Hotel, *we have recovered* H, though some fashionable folk are now trying to get rid of it. We *write* and *pronounce* indifferently Hostler and Osler or Ostler.]

Words with French *qu* for *k*.

Căsque, Coquette, Coquetry, Etiquette, Exchequer, Gigantesque, Grotesque, Picturesque, Statuesque, Mosque, Oblique, Pique, Quay, Quoit, Marquee [*better* Markee?] In Liquor and Conquer the *u* ought to be *pronounced*, just as in Liquid and Conquest.

In a pamphlet called Orthoëpy I have given ample tables of elementary words which have Rhyme or Assonance, which I believe to afford the best material for teaching young pupils the true sounds. I have somewhat improved my system of marks since that pamphlet was written.

Agricultural Education in connection with the College at Cirencester. By Rev. John Constable.

THE Agricultural College at Cirencester, founded thirty-three years ago under a Royal charter, originated in a desire to improve the general education of the sons of tenant farmers. The college fees were fixed very low to meet the necessities of the class for whom it was designed. The system of education was to be as general as possible, with the addition of sound teaching in the sciences on which the practice of agriculture depends, and of daily observation of the work on an efficiently managed farm. The theory of this was sound, and the result must have been satisfactory, had the human elements necessary in such work been all that theory required. It must be obvious that the difficulties would be found both in securing the services of an efficient farm-manager, and in the proper control of the heterogeneous assemblage that would be brought together at the outset of such an original undertaking.

It seems to be the generally received opinion among farmers that no one is likely to be a successful cultivator of the soil who has not been accustomed to the work of a farm from his youth; and no doubt, whether this be exclusively so or not, there is very little question that the sooner young persons

Digitized by Google

work at their future trade, the more skilful they are likely to become; a boy will never be a good groom unless he enters a stable early in life, nor will a boy become an efficient carpenter unless, long before the days of manhood, he is accustomed to the sight and use of tools.

It was this ingrained notion in the agricultural mind which made the farmers of England look favourably on the Cirencester scheme at the outset, because it seemed to promise a good general and scientific education without a divorce from the agricultural life pure and simple; nor do I hesitate to say, after twenty years' experience, that if such an ideal college, or more properly school, could be practically worked, the result would be all that could be desired. If, for instance, such schools as Framlingham in Suffolk, and Cranleigh in Surrey, and the Bedford School, could only add to their present efficient general teaching daily work and agricultural instruction on a well-managed farm, the farmers of England would, I believe, be attracted to them. At present these schools, although established mainly for the benefit of the agricultural community, are nearly destitute of scholars from that class.

It is true that at these schools there is now some elementary teaching in agriculture, brought about by the offer of prizes by the Royal Agricultural Society of England, and there may be more through the inducements just published by the Council of Education; but it is evident that simply to add a course of lectures to the general work of such schools, even if the course be given by a thoroughly qualified man, is to court failure in the main object, because the subject, agriculture, may be learnt, when so taught, just as a boy would learn so many lines of Virgil or Homer, and the prizes secured by quick, intelligent youths from the commercial class, whose destiny in life may be the shop or counting-house.

The Society have been fully sensible of this possible channel of failure, and therefore do not award their prizes till one twelvemonth after the decision in the examination, and on proof that the successful candidate has passed the intervening year either at school continuing this education, or at some agricultural college, or on a farm; being willing that if their prizes do not benefit those who are absolutely engaged in agriculture, they shall at least offer an inducement for a prolonged general education.

I may mention that the effort made by the same Society to reward youths, who besides possessing a knowledge of agriculture, show a fair acquaintance with chemistry, mechanics, surveying, book-keeping, and any of the natural sciences, has

Digitized by Google

proved far from successful, for had no students presented themselves from Cirencester College, there would sometimes have been no competitors for the annual rewards. And the same applies to the yearly examinations held for a similar object by the Highland and Agricultural Society of Scotland in Edinburgh; but for candidates from Cirencester there would sometimes be none, and from Cirencester the average is not one a year; this be it observed in a county supposed to be keenly alive to the value of education and not behind its neighbours in efficient cultivation of the soil. So that when the magnitude of the agricultural class in the country is considered, it may be truly said that although the effort to promote the study of technical science has been going on for many years by the most influential societies in Great Britain, the results are so small as to be scarcely worthy of notice. Questions naturally suggest themselves when such a statement is made: Are the rewards sufficiently valuable to be worthy of attention? Is the standard of excellence too high, and beyond the reach of all who have not had a special expensive training? Have the rewards any future value such as a University degree possesses? Lastly, do agriculturalists as a body value scientific knowledge? To attempt to answer all these questions, even briefly, would exceed the limits of this Paper; but I may perhaps say in general terms, that I believe one and all of these ideas are worthy of earnest consideration.

For example, I think I may remark, without fear of contradiction, that the Scotch as a body value knowledge, and make sacrifices to secure it; so that if they treat the agricultural department of the Edinburgh University and its offer of prizes with no consideration, the reason must be sought for in a cause apart from indifference to knowledge. Perhaps the question resolves itself into this: two things are valuable, and believed to be so by the parent of the learner: good early mental scientific training, and sound early technical training on a farm; if they cannot both be secured at the same time, the less important one must give way, and thus scientific training is sacrificed.

The statement of what occurred in my own experience some few years ago may help to illustrate this view. Some of the chief men in this county—Lord Fitzhardinge, Col. Kingscote, Sir John Rolt, Mr. Edward Holland, and others—organized a scheme and raised a fund to send two students to Cirencester College nearly free of expense. This boon was offered to the Farmers' Club at Kingscote, and although at first accepted, was ultimately declined, on the ground that no collegiate

Digitized by Google

teaching, however sound and good, could compensate the youth and the father for a two years' divorce from the practical work of the farm at a time of life when the mind is most recipient. It is easy to say that men sometimes take wrong views of their own interests; but call it ignorance or prejudice, what we have to consider is its existence.

Surely one of the main reasons why scientific teaching does not rapidly advance at our Universities is to be found in the fact that the rewards of money and dignity are, with a few exceptions here and there, confined to proficients in the old subjects of study. Let young men believe that they can succeed on equal terms to fellowships, to the lucrative posts in our great schools, by the study of science, and I believe a great alteration would ensue. While there are tens and hundreds of honourable and lucrative posts for distinguished classical or mathematical men, there are few indeed for a botanist, a geologist, or a chemist. Accordingly the number of high-class teachers in these subjects may nearly be counted on the fingers.

Without expressing any opinion as to the merits of this, I merely adduce it as an illustration to show that farmers may not, after all, be so backward in intelligence, if disbelieving in the future money-worth of scientific training they discard it for *what they consider*, rightly or wrongly, more valuable. How to alter the farmers' convictions, if desirable, I am not prepared to say, beyond offering the suggestion already made: attract their children to good commercial schools where science and agriculture are taught, and where there is some sort of connection kept up with the cultivation of the soil.

My own opinion is that for boys' schools the word agricultural should not be used. All future tradesmen—and agriculture is a trade—should be educated alike up to a certain age, and the technical knowledge added afterwards—that of agriculture, in the large majority of cases at home; in the rest, if practicable, on agricultural stations, established for the purpose. I say at home in the majority of cases, because most farmers rightly think that they can train their sons better than strangers can; and I add, at stations, *if practicable*, because it is a matter of doubt whether eminent agriculturists—I mean very successful farmers—would ever place their farms and their skill at the service of the public even for great remuneration; and example farms, unless commercially successful, would neither be used nor be fit subjects of illustration.

Without recapitulating in detail the many steps and alterations which have taken place in the progress of Cirencester College from its institution till now, it is necessary to say that

Digitized by Google

from difficulties of management and deficiency of funds, the effort to aid the general class for whom it was established has been abandoned. The fees have been raised, with the result of lifting the College out of the reach of small and middle-class farmers, leaving it for the use of wealthy agriculturists, land agents, professional men, and landowners; but this has been forced on the managers by circumstances. The alteration offered the only chance of meeting a large pecuniary liability. When that liability in the course of years shall have disappeared, and the direction of the College affairs shall have reverted to the original shareholders, it is possible that the experience of forty years, and the progress in the general intelligence of the community, may enable them to try once more the original experiment.

The object, therefore, of the education at Cirencester is somewhat changed. There is no effort made to carry on general education, the assumption being that those who join as students have had the average amount of mental training, as furnished by the good schools of the county. The course is a scientific one, consisting of teaching in chemistry, botany, geology, veterinary surgery, mensuration, surveying, mechanics, physics, book-keeping, agricultural law, and drawing; the whole being taught with a direct reference to the special object desired. The effort to combine this teaching with systematic agricultural instruction is still continued. A very complete course of lectures on the subject in all its phases is delivered annually, and by the aid of a well-managed 500-acre farm the students have the opportunity of watching all practical operations, and of becoming acquainted with the management of stock of every kind. On the farm are reared excellent horses, sheep, and pigs.

If the assumption with which we commenced this Paper is correct, it follows that the Cirencester course of study is most successful when it is applied to youths who have been brought up on farms, and that, although much sound and useful knowledge may be acquired by such as join the College without any previous connection with the soil, it is to be expected that, except in a few rare cases, the efforts of such men to become good farmers, with or without a subsequent training of years on a farm, are likely to prove abortive.

To farm with success a man must not only know how and why to do things, he must be *able* to do them; and although education may help to develop the power to *do*, it is generally thought that experience, and the training of early life are more effective; the natural aptitude being of course assumed. For

Digitized by Google

young men having personal aptitude for farming, and reared among its details, the education of Cirencester is excellent. For men such as land agents and owners of property, whose future life—although much in contact with agricultural matters—will not be burdened with the direct management of land, the course of instruction at the college is well suited.

The results as yet achieved are, as regards farmers, encouraging, although small. Many excellent practically successful farmers have been educated at Cirencester. As regards agents—many first-class men who have gone through the Cirencester course of study are now managing some of the largest and most important estates in the country. And landowners, as a body, will year by year owe a larger debt of gratitude to those noble men who, some years ago, saved Cirencester College from ending its short career. As time wears on, the influence of such agents must be more and more extensive, and productive of incalculable benefit to the landed interest.

As regards colonists—the records are too scanty to admit of conclusions worthy of note. It is manifest that it would be preposterous either to expect much from, or to attribute much to, one year's residence at College of a youth who is only, in too many cases, yearning for freedom and anxious to get away from all restraint and all instruction; for it should be remembered that too often the youths who choose colonisation do so from a dislike of work, and from a belief that emigration affords a chance of competency without the exercise of labour.

The education at Cirencester costs from 126*l.* to 153*l.* per annum for an in-student, or 51*l.* for an out-student. The course is of two years, and the system of instruction is one in general of two lectures on each subject weekly, with frequent practical classes in the laboratory and on the farm. The weekly lecture instruction is, on an average, of eighteen hours' duration. There is a weekly examination by printed papers to test the attention and progress of the students. The College is empowered to grant a diploma; the number given is usually about six annually. Since the foundation 200 diplomas have been awarded. Although the course is one of two years, the average stay of the ordinary student is one year—short indeed for the work attempted.

In conclusion, bearing in mind the vast assistance to the agriculturalist of special judgment, in selecting stock, in fixing prices on produce, and in determining the quality of work, the education of the eye by practical work of every

Digitized by Google

description is kept prominently before the teachers. On the College premises there is an excellent laboratory, museum, botanic garden, veterinary hospital, forge, carpenters' shop, and lathe-room. These, combined with the daily sight of excellent typical animals, should help to train the learner's eye to recognise good work, good form, and good quality.

MISCELLANEOUS.

Mr. SYDNEY C. BUXTON, Member of the London School Board, read a Paper on 'The Work of the London School Board.' In 1870 the existing schools in London were very unevenly distributed; for instance, the wealthy division of Westminster was so well supplied, that only two small Board schools have been erected, while in the Tower Hamlets the Board had to provide for 35,000 children. In the suburbs the rate-erected schools supply the only accommodation, and some of these schools are as much as seven and even nine miles from Hyde Park Corner, the rate, 15¼*d.*, is the same all over the London included in the School Board area, and the population is about four millions. In 1871 there were 574,700 children between three and thirteen of the elementary school class, and this year our visitors find 615,000. From these must be deducted some 100,000 for those 'too young, sick,' &c., leaving a total of 515,000 children requiring accommodation this year, in addition to a calculated annual increase of about 6,000. In 1871 it was supposed that the voluntary system would provide for 350,000 children, but it has only supplied accommodation for 279,000 (an increase, however, of 18,000 on 1871), and so the Board have erected schools supplying accommodation for 187,000 children, and within a year or two will provide for 53,000 more, which will give a total provision of 240,000 Board, and 279,000 voluntary school places, in all 519,000; an increase of 257,000 or 100 per cent. on 1871. The rate, though it may be temporarily, is not likely to be permanently increased, unless a large number of voluntary schools are transferred to the Board. 18,000 school places have already been thus transferred. The managers of Board schools, and the Board itself, are friendly to the voluntary system, and by no means desirous of seeing the voluntary schools absorbed or weakened by the competition of the Board, considering that each system profits by the healthy rivalry between them.

The constant migration of children from school to school at the whim of the parent, and the way in which voluntary schools are temporarily emptied on the opening of a neighbouring Board school, are serious evils which have not yet been

Digitized by Google

remedied, though schemes have been proposed to the Board for adoption. It is hoped that the 'Child's School Book' may act as a check on this capricious migration.

In every case we have to obtain the consent of the Education Department before we can build or enlarge a school, and no school is proposed without a very careful consideration of the wants of the neighbourhood.

The percentage of average attendance on the roll in Board schools is now 79·9, as against 65·8 in December 1872; while that of the voluntary schools is 77·5 against 76·7 in 1872. These percentages are not as high as they should be, and we hope in time to attain to at least 90 per cent.; but they show a steady increase year by year, and this though the least regular and punctual classes have been reached, while in 1872 the children at school were the pick of half a million. Our fees average 2·1*d.*; remission was granted last year in 3,219 cases. Our bye-laws, which are worked as much for the benefit of the voluntary as of the Board schools, cost last year 26,000*l.* and require at present a staff of eleven superintendents and 208 visitors—an average of 2,500 children for each of the latter. We took out last half-year 3,705 summonses against parents, and twenty-one against employers, and of these only three cases were dismissed. Compulsion is still a novelty, but when it becomes perfectly well understood that every child born now will have to go to school from five to thirteen; and when there is a place provided for each child, it may well be hoped that fewer and fewer parents will kick against the pricks, and that before very long we may be able to reduce our compulsory forces. A 'truant school,' for children requiring to be placed under restraint for a few days only, would be of great service, but the scheme for its establishment is still in abeyance, owing to a legal difficulty.

The cry of over-education is at present quite groundless, as far as London is concerned. More than 67 per cent. of the children are still in the first and second standards, 16 per cent. are in the third, and it cannot be said that even a third standard boy is a prodigy of learning, and only 16·6 per cent. have reached the higher standards. The music and drawing taught are of the most elementary description. Drill cannot but be of use, physically. Domestic economy and needlework are practically useful. Cookery is now taught to the senior girls at centres by regular instructors. The class subjects prescribed by the code—grammar, history, elementary geography—are considered 'essential' subjects. Of the extra or 'discretionary' subjects—English literature, because the easiest

Digitized by Google

to teach, is the favourite, then physical geography and animal physiology. French, German, Latin, are taught to an almost infinitesimal number of children, and very nearly all those studying those languages are intending to become teachers themselves. There is no tendency in the work of the Board to decrease; if in future less has to be done in the way of erecting schools, the work of managing the schools is constantly on the increase, and new duties and responsibilities are constantly being undertaken by the Board.

Miss DOROTHEA BEALE, Principal of the Ladies' College, Cheltenham, read a Paper 'On the Training of Teachers for High Schools.'[1] After dwelling on the stock arguments against the training of teachers, such as the need rather of deeper knowledge than of the method of making this knowledge presentable and palatable, or the fact that teaching was an art learnt by practice rather than a science requiring study, the writer, appealing to the experience of teachers as to their own deficiencies, proceeded to argue for the need of training. She stated that the teachers whose training she had in view in this Paper were not specialists, 'not mere instructors, but educators, class teachers, and future head mistresses in high schools.' No one could, however, be even a good specialist whose training had been narrow. The object of education not being the acquisition of knowledge but the development of character, it was further necessary that though the child might receive special lessons, she should be under the care of one able to estimate and educate her powers. The argument of a need for training was supported by the parallel of other professions, wherein no untrained person could with profit use the instruments (*e.g.* music). Part of the prejudice against training of teachers was ascribed to the mechanical nature of the pupil-teacher system in our elementary schools. This was due, perhaps, to the fact that so few entered Training Colleges with a wide culture or habit of philosophic thought. There was, however, an equal loss when teachers with the necessary intellectual and moral qualifications lacked the power of maintaining order and adapting their knowledge to the minds of the children. Miss Shirreff was quoted, as saying that it was the experience of more than one teacher that seven years of life training might have been saved if instruction in the art of teaching had been given before the time came to teach. Not

[1] See *Transactions*, 1876, pp. 388 and 469. This Paper has been printed in full and published in the *Journal of the Women's Education Union* for November, 1878.

Digitized by Google

that training is everything, but training *plus* sympathy, devotion, and high aspiration. To train a teacher there must be:—1. Theoretical instruction, in pedagogics, embracing the study of those sciences which deal with the physical frame, especially in relation to mental development and the principles of the curriculum. 2. Systematised observation, answering to clinical lectures in medicine, including the study of the order of demonstration in each science, and the method of its presentation, the study of the influences which bear on education, as rewards and punishments; duties of clever pupils in relation to others; the principles of organisation, and the relation of the school to the home; and lastly, the history of educational reformers. 3. Practice under direction. This can only be carried out where there is a sufficiently large class of teachers and grown-up students. The practice at Cheltenham (Ladies) College was cited in illustration. Here students are placed under the care of a regular teacher, and hear the lessons given by the teacher of the special class to which they are attached, and give the children '*vivâ voce*' on these lessons, or, they are sent to listen to any specially able teacher, and give a lesson on the same subject carefully prepared by themselves from the authorities. Criticism as to the order and coherence of ideas follows, and repetitions as productive of inattention are discouraged. Thoroughness is inculcated by going to the root of the meaning of the words, and the principles underlying the rules. They are further familiarised with the method of handling classes, of drawing out time tables, the relation of book learning to oral teaching, whilst they correct books which are recorrected by the class teacher. In the second or third year of such work, the students are able to take the management of a class, and are required to begin the training of a junior, care being taken that special teachers should take up their work in any subject they are not competent to teach. The advantage such a school presented over a training college (where all are either teachers or students) was noted; the experience to be gained in a college of 420 scholars, the intermixture of teachers of all grades of experience, the free family life, in which the opinions expressed supplement the criticism of the discussion meeting, were dwelt upon. The writer proceeded to say that they had no fixed rule as to age or length of training, but protested strongly against the notion that the age of eighteen was necessarily an age at which a girl was qualified to teach. Their object was to raise the title of governess, an end only to be gained by a willingness to postpone immediate pecuniary results till some proficiency had been attained, and

Digitized by Google

one to be desired not only for the good of the profession but for the benefit of the pupils. The writer of the Paper concluded with an earnest remonstrance against the notion that only professional teachers needed training in these matters. As mothers, aunts, sisters, and friends, all women had to do with children; and whilst only professional teachers would undergo practical training, all ought to undergo theoretical preparation. The laws of health, of the development of the faculties, all that relates to the mental and moral growth of the child, the principles and practice of domestic and social economy, all these are most important to mothers, and may be learnt in the years immediately succeeding school-life. There was need of cookery, physiology, Kindergarten, moral science and social economy classes. The help given to teachers by parents acquainted with and interested in the principles and practice of education was no mean result of such teaching. This would do away with the reproach that real education proceeds not from women but men. This would make home influences not antagonistic to school discipline, this would share the responsibility of the child's education as it ought to be shared between the parents and the teacher, and this would make teaching not useful for school only but for home and after-life.

A Paper was read by Mr. T. E. Heller, Secretary of the National Union of Elementary Teachers, and a Member of the London School Board, 'On the Registration, Certification, and Training of Teachers.'

The subject is not new, but the attention of the public has been diverted from it by the interest taken in the establishment of the School Board system and the other interesting phases of the education question. The importance of securing some means of protecting all classes of the community from scholastic fraud and imposture is evidenced by the fact that the subject of scholastic registration is brought to the front by the two principal societies representing the primary and secondary schools, and by two of the most eminent educationalists, the Right Hon. W. E. Forster and Dr. Lyon Playfair. This Paper is suggestive rather than conclusive, and furnishes a basis for discussion rather than a complete solution of the difficulties which beset the question. The subject of 'Training' is treated incidentally, and only so far as it was influenced by the compulsory registration and certification of teachers in all grades of schools.

The registration of teachers includes two fundamental

Digitized by Google

proposals:—(1) The creation of a public register of qualified teachers for all grades and classes of schools, and (2) The passing of an Act forbidding any person to practise the vocation of teaching without a diploma of fitness. The objects of registration are: (1) To protect the public from educational pretenders and incompetent teachers, and (2) To afford to capable and qualified teachers some protection from educational quackery, and some means of being distinguished from the impostors and charlatans who infest the private schools of the country. The law does not permit unqualified persons to practise as doctors or lawyers. It is at least as important that the public should be equally protected from the danger of employing unqualified and incompetent teachers. The highest grades of society are to some extent protected by the character of the teachers in the upper grade schools, while complete protection for the less affluent classes is secured by the Government Register of Teachers for Elementary Schools.

The great mass of the Middle Classes are almost entirely unprotected. In the Endowed and Grammar Schools, under the Charity Commissioners, however, a certain amount of protection exists, so far as the principal leaders are concerned, but there is no guarantee that the subordinate teachers are properly qualified for their work. In the schools created and conducted by private enterprise, no security is provided, nor are the public protected from a base and adulterated education, as they are from unwholesome and adulterated food. There are, however, many private teachers doing excellent service in the cause of education, and it seems only fair that they should be easily distinguishable from the charlatans who infest the profession. The existence of these show schools and teachers is a cancer in the national education in England, hindering the work of compulsion, and neutralising the efforts of worthy private teachers. I cannot agree with the President, that for the reform of this great evil, we may 'rely upon the free action of public opinion, rather than upon any general system of Government inspection or official registration,' nor that 'the parents who send their children to these schools are far more competent to insist upon getting a good return for their money.' The fact is that these parents either have no such discriminating power, or are prevented by the active duties of life from giving much attention to the education of their offspring. They too frequently only regard the tinsel accomplishments on which the reputation of these non-educated schools almost invariably rests. Educational destitution is as perilous to society among the middle classes as among the lower orders.

Digitized by Google

In the former we have been accustomed to look for political stability, and their educational arrangements were equally important to the State. It is well known that many private schools should be closed on sanitary grounds alone, and in this matter the middle classes should be as well protected as those beneath them. No freedom would be interfered with except the freedom to deceive and injure the public. A public register of teachers will afford a minimum amount of protection, but ultimately it must become a register of certified teachers. The provisions of the Registration Bill promised by Dr. Lyon Playfair, are generally acceptable, but are open to criticism on some points, and cannot be accepted as a permanent settlement. Its promoters are wise in respecting existing rights, and in proposing to introduce gradually the operation of a register.

The certification of all kinds of teachers must naturally follow the creation of a scholastic register. The diploma should be granted only to those persons who produce sufficient evidence of scholarship, professional skill, and practical experience. The formation of a Representative Educational Council as proposed by the National Union of Elementary Teachers, and now recommended by Dr. Lyon Playfair, would furnish the requisite machinery. The elementary as well as the secondary teachers should be directly represented on this Council, and certain examinations conducted by the Universities and other educational bodies should be accepted as evidences of scholarship. The Government should also be permanently represented on the proposed Council. Dr. Playfair's proposals are defective in these two points, and ought to be amended before they are embodied in a Bill. It would however be wise not to give to any Government or Government Department a preponderating influence on the Council. The experience of elementary teachers during the past twelve years had shown that the Education Department has failed to maintain the standard of efficiency formerly required for a certificate, and had degraded the certificate at the same time that it had violated the law of supply and demand. The placing of 70,000 or 80,000 teachers under the heel of the Government would be a political mistake, and dangerous to the intellectual life of the nation. A fair suggestion for the composition of the Council would be, that one-third should be elected by the Universities, one-third by the body of registered teachers, and one-third nominated by the Crown.

The principal function of the Council would be the certification and registration of teachers. Its existence would

Digitized by Google

necessitate the elevation of the Education Department under a competent chief to the position of a real Ministry of Education, capable of dealing with all educational questions. The representative body would form a useful consultative Council. If this fairly represented the practical and theoretical sides of educational affairs, not only would wise educational reforms be effected but the hindrances to educational progress, created by unpractical legislation would probably be avoided.

The training of teachers is here dealt with only so far as it is affected by the proposed changes in certification and registration. The defects in the existing arrangements for training teachers are (1) that no means are provided of training teachers for the higher and middle schools; (2) that the curriculum of the existing training colleges contains too many of the subjects which should be acquired at an earlier stage; and (3) that the education of the elementary teachers, though thorough, is exclusive and narrow, and too much separated from the influences of a liberal general education. These defects would be removed by adopting a general system of certification and registration, and by throwing the candidates for admission to the profession upon the public schools and universities for their general culture and scholarship.

Certain changes in the present system of training would be necessary. The Training Colleges should be affiliated to the Universities, and the course of study so altered as to lead up to the University degree. By degrees these institutions should become places of special training, and perform the same functions to the profession of teaching as the Hospital Schools and Inns of Court do to the medical and legal professions. By these arrangements a considerable extension of University influence would be secured, and something would be accomplished towards creating a community of tastes and ideas among the various classes of the people.

Professor SILVANUS P. THOMPSON, D.S., F.R.A.S., University College, Bristol, read a Paper on 'Technical Training —where should it be given?'[1] The writer said the inferiority of training of the majority of the skilled artizans of Great Britain to those of Germany, France, and the United States, in those qualifications which imply a broad grasp of the scientific principles was an unpalatable truth that was slowly beginning to be confessed. The present enquiry was directed to the acknowledged defect in the English systems of technical training, and

[1] See *Transactions*, 1876, p. 427. This Paper has been published in pamphlet form by Kerslake & Co., Bristol.

Digitized by Google

to the means that must be taken to provide suitable technical education. Abroad there existed technical schools to teach workmen much that in England they were left to pick up haphazard in the shops. A rapid survey of the existing educational systems in England shows that whilst the germs of a technical education exist almost everywhere, they are so scanty and feeble that in hardly one case was there much prospect of their immediate development. The omission of special scientific subjects from the elementary code below the fourth standard, and the restrictions played off on them in and beyond that standard, were serious blots on the efficiency of the Educational Act. The examinational system of the Department of Science and Art, with its syllabus of arbitrary subjects, cramped and impeded any attempt towards a more practicable system of technical scientific teaching. The entire non-existence in England of such institutions as the Polytechnic and technical schools of Germany and Switzerland, and the apprenticeship schools of Paris, pointed to a still more grave hiatus in our systems of training. The systems of these schools resembled, in a certain degree, though with higher developments, the Kindergarten system of teaching in elementary schools. If a primary technical training were once founded, the special detailed advantages of a higher and more abstract technical education would assume clearer proportions. There was no reason why an English workman should not take just as high a place in the skilled industries as a German or an American workman. When he had the chance of acquiring the training he was in no respect inferior, possessing more independence than the one, and more self-control than the other. The author instanced the experience of Professor Graham Bell, who, though a Briton, had returned to America, to prosecute his researches on the telephone, because he experienced in this country the utmost difficulty in finding workmen capable of carrying out his ideas, and able to rise out of old grooves of method and thought in the construction of new designs and inventions. This difficulty did not exist in America. As an example of the successful result of technical training it might be adduced that the whole of the workmen in the astronomical workshops of Mr. Howard Grubb, of Dublin, were native Irishmen who had mostly been from youth employed in the same establishment. The modern requirements of the skilled industries necessitated an entire reversion of the existing systems of apprenticeship. Technical schools and colleges, situated in the industrial districts, might do much that the present relics of the apprenticeship system had failed to do, and would form an essential feature in the

Digitized by Google

education of the future. Already the town of Bradford had determined to form a technical school. The example of the horological school of Basançon, and the striking increase of trade that had followed its establishment, pointed to the recognition of this necessity. To found such schools money must be forthcoming in the industrial districts of England. Trained teachers were needed for such schools; and much would have to be done in writing appropriate text-books, and in procuring the necessary educational appliances for such systems of training. Not until this new departure was fairly taken could the skilled industries of Great Britain be really fairly matched with those of other nations. The introduction of machinery, whilst it had in some cases destroyed skilled labour of a certain manual kind, had created a want of skilled labour of a far higher order. The industrial necessities of our time created the further necessity for technical schools. The long delayed project for a Central Technical College in the metropolis, under the auspices of the City Companies, promised a hopeful future in this regard. But as yet such a College existed only in prospect. So soon as it should possess a local habitation and a name one great difficulty in the problem would have disappeared; and the establishment of local centres of technical training in the very heart of every industrial district would be only a question of time.

A Paper was read by Miss LOUISA M. HUBBARD on 'The Duties of Women as Managers in Elementary Schools.'[1] After some introductory remarks the writer went on to say: A recognised lady member, if not two, upon the managing committee of every girls' mixed and infant school in the country, would be of the greatest advantage to the schools, to the teacher, and to the Department; and it is to be hoped that it will not be long before such an arrangement is recommended, if not required. Women are slow to see their duty in these matters, and sometimes seem to think it more feminine to shrink from a definite position, preferring the greater, and, as it seems to them, less fettered liberty of desultory action.

The duties which fall to the share of school managers are simple, and require common sense and a real sympathy with the teacher and the children more than any special gifts. A lady can probably enter into the difficulties of the locality and of the home associations of the children, their social and family circumstances, and be on terms of greater intimacy with the

[1] This Paper has been published at length in the *Woman's Gazette*, for December, 1878.

Digitized by Google

teachers, than is possible for any man, or, at any rate, of the busy men of whom such committees are generally composed. Really confidential relations between the managers and the head teacher are of such paramount importance to the true welfare of the school, that for this reason, if for no other, some members of a managing board should always be of the same sex as the teacher. If our schools are to be really places of *education*, if they are to be schools of morality as well as places of instruction, questions arise which require wise and delicate handling, and need the united efforts and the fullest mutual confidence between the managers and teachers to deal properly with them.

If, in looking below the surface of school life, the lady manager finds some things to distress her, and to make her anxious as to the effect of a system which places in close proximity the children of the respectable and of the most degraded of our working population, she will have the happiness of knowing that *she* may do much to avert the extremest of the evils resulting therefrom.

That managers should profess to 'manage' schools they never enter, and to judge of the conditions of the children and the efficiency of the teacher by the report of an inspector who visits it once in the year for two or three hours, is certainly not contemplated by the Department, and may be one reason why our schools are not so good as they might be. Some persons' ideas of supervision, too, appear, unfortunately, to be limited to criticism and fault-finding; and beginning by giving offence they end by taking it, and all hopes of harmonious working and united usefulness are at an end. To understand her duties as school manager, a lady should learn the requirements of the code thoroughly; and if she study this in concert with the teacher, it will bring them together and give them a topic of mutual interest to start with. When she has made herself mistress of the technical knowledge thus to be obtained, when she knows thoroughly the regulations under which the teacher's work and the school are to be conducted, she will be in a position to enter upon her task of seeing that these are properly carried out, and that the school is rendered as efficient as it is possible to be. There are many ways in which an intelligent manager may bring this about, but considerable caution and tact are required.

But, above all things, the visitor should abstain from unnecessary or vexatious interference. Government settles the subjects and school routine, and as it judges principally by results, managers, as a rule, must be content to do the same.

Digitized by Google

They have a right to make the general regulations of their school; but on these, as on every other point connected with the school, they should not only consult their teacher but attach considerable weight to her opinion, letting her have her own way on matters not of vital importance; bearing in mind that, owing to her years of training and experience, it is more likely to be right than theirs, while, even if not altogether so, she will probably do better work in her own way than in anyone else's.

There are two departments of school-work in which teachers, almost without exception, will warmly welcome assistance; and this would therefore seem naturally to fall to the share of the lady manager—help in teaching the needlework, and some extra instruction afforded to the pupil-teachers. In a mixed school under a master some interest taken by ladies keeps the sewing mistress, who is often an untrained person, up to the mark. In mixed schools under a mistress the work falls very heavily upon the head teacher, who, being a woman, is expected to teach the needlework herself; while the fact that the boys' classes in other subjects go on simultaneously is overlooked. Visitors may do great good by taking classes in needlework and cutting out, provided they do so *regularly* and in *subordination* to the time table. Much valuable assistance may also be given out of school hours in helping the teachers to prepare the work, &c. A lady may also give useful help by taking the reading lesson, both as to pronunciation and intelligence. She may also look up absentees, and provide for proper precautions when infectious illness is discovered among the children. But the help which a kindly and judicious lady manager may render to her head teachers and to the school generally by befriending the pupil-teachers, is almost as great as the advantage which her instructions will prove to them.

But it is with respect to the moral conditions of the school and its influences upon the children for good or for evil that the lady manager may be of most service.

Her Majesty's inspectors are directed to give careful attention to these matters in their reports, and in the circular issued for their instruction by the Department the value of the personal oversight of the schools by managers in connection with this subject is insisted upon at some length. They are directed to 'lose no opportunity of endeavouring to secure for all the children in their district the advantage of this supervision,' and to 'inform the managers of the value their lordships attach to their personal influence over the schools for which they have accepted the responsibility.' It is clear, therefore, that managers are expected to do their part in the educational system of these

Digitized by Google

schools; and there is no branch of it which so much needs their thoughtful attention as the moral condition of the children in them. It is earnestly to be hoped that they will not ignore this difficult question, nor put it from them under the impression that the standard of morality is a somewhat conventional one, and depends too much upon class circumstances and home associations to be under their control. If they do not shut their eyes to it, but look upon it as the most important matter of all, and as one which will vitally affect these children's career in this life and their prospects in the next, they will, I think, find means of remedying much that is now seriously injuring our working population.

Miss A. E. SHIRREFF read a Paper 'On the Kindergarten, and Fröbel's System of Education.'[1] The Paper of Miss Shirreff set forth that the Kinder Garten is gaining ground in England, but Fröbel's theory is little studied; and thus it is very commonly left out of sight that this system of infant training is only the application for one period of education of fundamental principles which, according to him, lay at the root of education of every stage. Fröbel had not originally intended to become a teacher; but the vocation was too strong to be set aside, and his whole mind was bent on educational reform; not for one nation or one class, but for all mankind. The points he most condemned in the old method were: their one-sidedness, which gives intellectual culture almost exclusive predominance; their conventionality, which sets up certain standards of attainment, without regard to natural faculty, or to the harmonious development of the human being; lastly, the passive condition in which they place children, making them mere recipients of instruction addressed to the memory, with the slightest possible exercise of their own energy whether mental or physical. On the other hand Fröbel directs us to study the indications of nature in the child, and there we find the germs of certain faculties, which in their riper condition will constitute his moral and intellectual life. What he will be and what he will do must depend on his capacity for making proper use of those various powers which are his natural inheritance. To develop these is the work of education; the attainment of knowledge is a subsequent, and in some measure a subsidiary purpose—one out of the many forms of labour to which the well-trained human being can turn his faculties. Fröbel hoped that whenever he should be in a position to work independently, he might be

[1] See *Transactions*, 1874, p. 528; 1875, p. 468.

Digitized by Google

able to carry these principles into effect; but when at last he opened a school of his own, he found that his pupils came to him utterly untrained; and that the exigencies of practical life making a certain standard of attainment imperative at a given age, school years could afford no time for the discipline he considered indispensable. After many attempts therefore and many disappointments, he turned from school to infant training, realising the fact that the cultivation of each faculty must begin with the dawn of that faculty, leaving later years to continue the work begun in the right direction. Miss Shirreff proceeded to note some distinctive points of Fröbel's doctrine —*first*, systematic training begun so early that wrong habits and associations shall have no time to establish a hold; *secondly*, this training is to be closely in accordance with nature, and therefore harmonious, drawing out the moral and physical capacity no less than the intellectual; meaning by physical training not merely what is needful for health, but all that gives pliancy to the limbs, dexterity and power to the hand, and accuracy to the senses. *Thirdly*, the cultivation of the active energy. Man should be able not only to learn, but to reproduce, to give a form to his thought. Through such cultivation imagination is kindled, and all the aptitudes that make a good workman are exercised. A slight sketch of the practical work of the Kinder Garten was then given, illustrating the way in which Fröbel applied his principles to the training of little children. This part, Miss Shirreff said, was necessarily most scanty and imperfect, owing to the absence of practical illustration. One important fact is evident from any study of this system, and that is—to quote Miss Shirreff's words—'the constant, but gentle stimulus it affords to the child's own natural endeavour to note resemblances and differences, to observe, and to draw an inference from the observation.' These are the necessary processes of all learning, from the alphabet to the highest problem of natural science; and every 'gift' of Fröbel tends to render the exercise more easy, and to increase the tendency to repeat it. All teaching, indeed, enforces this effort; but Fröbel leads the child to associate with it an idea of pleasure, by calling it forth among things that please and excite him. The moral training of the Kinder Garten follows the same method. The child is gradually brought to realise for himself the pleasure and advantage of orderly behaviour and unselfishness toward others. The idea of God, the only one presented to him which transcends the circle of his experience, is brought home to him by the frequent observation of all natural objects, for which of his own accord he seeks a

Digitized by Google

maker; and through the love and care of parents, who are the visible representatives of God to him, and whose will is thence the law of his life. In conclusion, Miss Shirreff pointed out the bearing of Fröbel's views on the education of women. They tend to raise its tone, and give it a supreme national importance; since those to whom the care of early childhood is confided must inevitably be the educators, whoever are in later years the instructors of the young, such a system as this cannot be left to ignorant hands. Whatever else, therefore, may be the objects of study pursued by women, since all may require, and far the larger number certainly will require, fitness to deal with children, Fröbel, by raising the standard of that fitness, has given one great practical direction, or the noblest purpose, to their own mental culture.

Mr. A. A. Kinsey, President of the Training College for the Deaf, read a Paper on 'The German System of Educating the Deaf.'[1] Mr. Kinsey said that those persons born deaf, or becoming deaf in infancy, never being taught to speak, are usually, but erroneously, called dumb. They all have voices, but do not know how to use them. Deafness does not cause a physical incapacity for speech. Want of spoken languages arises from want of teaching, not from want of power. Deafness in mature age deprives us of many sources of enjoyment and comfort—but in infancy may, under certain unfavourable circumstances, deprive us of all knowledge whatever, with the meagre exception of crude impressions which cannot be communicated from us to others except by gestures.

There were in 1871 (census) nearly 20,000 deaf and dumb in this country (believed to be greatly under-estimated), about 2,000 were in school—4,000 of school age, but no sufficient accommodation was available for them, existing schools being all full. All of these schools (with the exception of three or four) taught, and do teach, on the French system, viz., by signs and dactylology (hand alphabet), the pupils consequently grew up in a condition of silence. The three or four exceptions taught their pupils to use spoken language according to the custom of the German system.

Deafness in early years is caused by various diseases and accidents, chief among them being scarlet fever, scrofula, spotted fever, cerebro-spinal meningitis, falls, blows on the head, sometimes even a box on the ear will produce permanent deafness. Congenital deafness is also frequently caused by consanguinity and intermarriage of persons congenitally deaf.

[1] See *Transactions*, 1871, p. 406; 1876, p. 465.

Digitized by Google

Dr. Bemis, of the United States, reported to the American Medical Association some few years back, that having examined into the result of 833 marriages of consanguinity he found the number of offspring to be 3,942. Of these, 1,184 were defective in one way or another: 145 deaf and dumb, 85 blind, 308 idiotic, 38 insane, 60 epileptic, 300 scrofulous, 98 deformed, and 833 died young. He estimates that over 10 per cent. of the deaf, 5 per cent. of the blind, and nearly 15 per cent. of the idiotic in the State institutions of the United States result from the intermarriage of blood relations.

Some curious instances of hereditary transmission are shown in a pamphlet by Dr. Buxton, late of Liverpool, entitled 'An Inquiry into the causes of Deaf Dumbness, congenital and acquired.' In some instances the affliction passes over one generation to appear in the next. In one case a mother of three mute children, though she herself heard, was the daughter of a mute; the grandfather, though his own children heard perfectly, was one of eight deaf mutes out of a family of sixteen. In another case, four out of a family of eight were born deaf and dumb, viz., three females and one male. One of these deaf women being married to a hearing man had two hearing daughters, each of whom by a hearing husband became the mother of a deaf son.

Deafness being merely an affection of the auditory apparatus, does not prevent the vocal articulating organs from working. Hearing children learn to talk by listening to those about them and trying to imitate their speech. Deaf children learn by the senses of sight and touch. Organic dumbness can only arise from injury to the facial, lingual, and laryngeal nerves and muscles. Such injury does not occur in infancy, but may arise in mature years from paralysis. The deaf born child always possesses voice and uses it at first, and it is identical with that of the hearing child. Through ignorance this voice is not cultivated and trained, and very often from not being exercised dies away, and we have what is usually termed dumbness.

The German system (which has been practised in Germany since 1778, when Samuel Heinicke started the first school at Leipsic) teaches all its pupils to use spoken language as their ordinary means of communication through life. All may be taught except those afflicted with defective brain-power, blindness or imperfect vision, cleft palate and any other defect which would interfere with the education of a hearing child. In teaching articulation and lip-reading, reading and writing proceed immediately and equally for the first year; very little

Digitized by Google

language is attempted beyond a few simple sentences. This is done in order that the child's attention shall not be distracted from the first important principle of the system, viz., to teach the pupil to utter quietly and distinctly any ordinary combination of sounds that may be spoken by the teacher or other person. When this power has been gained, language is commenced. About eight years (between the ages of seven and fifteen) are considered, at the least, requisite for turning out a pupil who shall be able to converse readily with strangers in spoken language, these latter must naturally take the trouble to speak plainly and somewhat slowly, allowing a good view of the mouth to be had. The German system excludes signs and the hand alphabet completely. It benefits the health, disposition, and appearance. The pupil of the French system, on the other hand, has a strong tendency to chest disease in consequence of not using the lungs freely. Dr. Symes Thompson observed this in his experience at the hospital for consumptives, Brompton. In order to prevent the congenitally deaf intermarrying, you must keep them apart. In order to do this you must teach them to talk and mix with the hearing world. This is the aim of the German system.

The pressing want now is for trained teachers. The Society for Training Teachers of the Deaf, and Promotion of the German system in the United Kingdom, has lately opened their college at Ealing, W., and this work is being satisfactorily carried on. Most civilised countries except England undertake that all their deaf shall be instructed. It is to be hoped that England will soon follow their example, and teach them also on the best method, viz., the German, which helps them to human speech.

Major BARNARD read a Paper on 'Science Teaching in Schools.'[1] He admitted that, of late years, considerable progress had been made in the teaching of science, but still complained that there were not many schools whose managers could say that, in their curriculum, it received equal encouragement with living or dead languages. As an instance, he referred to the regulations under which admission was obtained to the Royal Engineering College at Cooper's Hill, and expressed his inability to guess at any reason for the restriction they imposed on science, and not upon any other class of subjects, unless it were a jealousy of science, and a dread lest lads, in whose training science had been the princi-

[1] See *Transactions*, 1872, p. 279.

Digitized by Google

pal feature, should carry the day against the students of languages.

With regard to the true position which science ought to occupy in a school curriculum, the subjects to be studied until a lad passed to the University, or entered life, divided themselves practically into five groups, viz.:—(1) Dead languages, with literature and history; (2) Living languages, also with literature and history; (3) Mathematics; (4) Science: and (5) Art. No education could be considered truly liberal in which any one of those five groups was neglected; but how few schools carried out any such scheme! It was continually found that lads of eighteen years of age who had a considerable acquaintance with Greek and Latin, and perhaps some masterpieces of English literature, had still a very limited knowledge of mathematics, and their acquaintance with science was absolutely *nil.*

With regard to the apportionment of time, less than one hour out of every ten should never be allotted to science. If art claimed another hour, and mathematics two hours, there would still remain six for languages. It might be admitted that it would be impossible to teach the classical languages to such a degree of perfection as is now done, but still present modes of teaching classics were not so near perfection that they could not be materially accelerated. If a lad could not read the works of Thucydides easily, he might perhaps master one or two less difficult works, say a Book or two of Xenophon, and one of the Gospels in Greek. Such a standard in Greek, together with a fair amount of scientific training, was more likely to be useful than the minutest knowledge of Greek literature. Whatever their direct advantages, classical studies had a tendency to develop a leaning on authority, a desire for imitation—to check all self-relying instincts, and in no way to develop observational powers. The teaching of science would act in direct opposition to these tendencies. From his first lesson to his last, the science pupil was taught to rely mainly upon observation. And this is true whatever be the branch selected. True, the pupil is continually liable to make wrong observations, and to say that he saw what he only thought he saw. And the habitual correction of this fault is one of the most valuable parts of scientific training. As Sir Joseph Hooker well puts it in his Botany Primer, 'the pupil may well afford to forget all the botany this little book teaches, provided only he retains those habits which it inculcates, of observing accurately, reasoning intelligently, and

Digitized by Google

describing what he has seen more methodically, accurately, and concisely than he would otherwise have done.' This is one of the chief advantages claimed for science as a subject of instruction; and I know of nothing that can be set up to balance it on the side of language and literature. Scientific training taught its students to understand, and enabled them to master the difficulties of common life.

The writer, therefore, claimed for science (when properly taught by observation and experiment, and by reasoning based thereon) that it should be made an integral part of every school curriculum, as well for girls as for boys, in village schools as in large public schools. Scientific teaching should be part of every education; and that general proposition, contended Major Barnard, needed no qualification for either age, sex, or condition of life. The objection as to hard names, used especially in botanical science, presented no real difficulty in the hands of a practical teacher. It was no more an objection to scientific than to classical teaching. Persons often said they could not learn the hard names of botany, and their children all the while were wearing out their little souls over such words as conjugation, ablative, absolute, passive voice, and the like, to which not one boy in five attached any meaning whatever. A good teacher would first show the thing, its use and its structure, and then, of necessity, teach its name.

As to the order of introduction of each science, much variation must be allowed for the age of pupils, and the capabilities of schools. The outlines or rudiments of many branches of science should be taught, and those should be selected for further development for which the school has any special facilities. The tastes and acquirements of individual masters must always be an important factor in the settlement of this question. In all cases a foundation should be laid by geography, general and physical; then chemistry and physics should follow; and when time was found for it, classificatory botany should be introduced, as the best gateway to biological knowledge.

The Rev. C. Halford Hawkins, Chaplain of Winchester College, read a Paper 'On the Educational Influence of the Drama.' In opening the subject the writer referred to three facts witnessing to the value of the drama:—1. The position it held actually in the Athens of Pericles, theoretically in the Republic of Plato, and the Politeia of Aristotle. 2. The survival of the drama in the shape of the mysteries and

Digitized by Google

moralities of the middle ages. 3. That in proportion as a nation has been cultured has it cherished the drama—*e.g.*, Greece of old, and Germany of to-day—and note the fact that in Turkey no drama exists. Having touched on the effect of the drama for good or for ill on the young in age or intellect, and dwelt at some length on the fact that the stage acted most strongly on the highest and lowest classes, he deplored the loss of the culture which might be exerted on the large class between these two extremes by the side influence of amusements. He next dwelt on the relation a well-regulated theatre might bear to a public school, and to its educational influence in a large town—especially as giving training in elocution, in the study of character, to the taste and to the imagination. Having declared his conviction that a well-regulated national theatre would win back the cultivated classes, and add to their refinement, he vindicated the use of amusement as a means of securing the outposts of morality and refinement.

Digitized by Google

HEALTH.

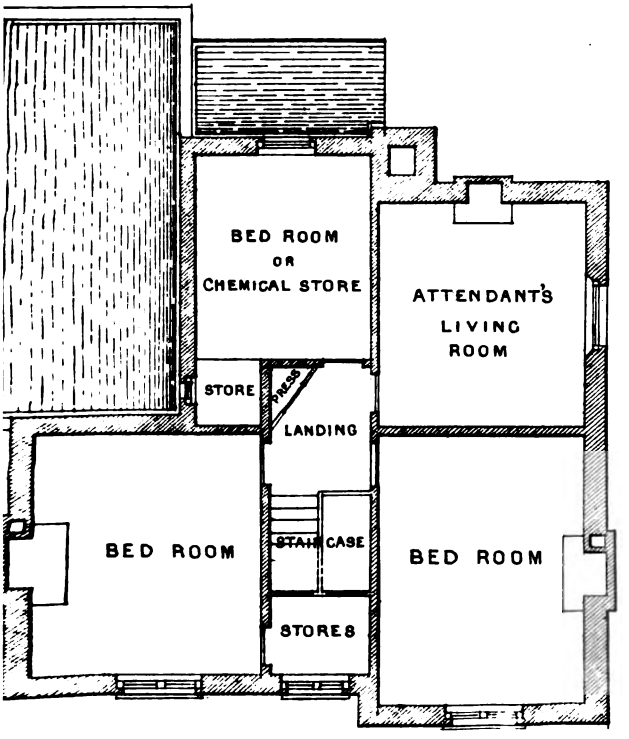
DISINFECTION.[1]

The importance of Complete Disinfection, and the best means of providing for it by Sanitary Authorities. By WILLIAM HARDWICKE, M.D., Coroner for Central Middlesex.

THE main object of this Paper is to point out the means that exist in various places of carrying out the recommendations and future improvements which may be adopted for the purpose of disinfecting rooms, articles of clothing, bedding, linen, carpets, curtains, and articles that are likely to become contaminated by infection, and whether there should be additional public or private resources employed to carry out this provision of the Sanitary and Public Health Act. My remarks are based upon an eight years' experience gained whilst a former medical officer of health in a Metropolitan parish of 100,000 population, and upon observations which I have to witness daily in the large parishes of St. Pancras, St. Marylebone, Islington and Clerkenwell. Although much has been done during the last ten years to educate public opinion, and although sanitary authorities have attempted to prevent the spreading of infectious disease in their midst, yet such efforts have been very insignificant in comparison with what is required to check the fatal and disastrous results of epidemic poisons. We must always bear in mind that these epidemic and zymotic forms of disease destroy annually from three to ten persons out of every thousand living within the range of their operations, that frequently in the mortality returns they are accountable for one-fourth of all the deaths annually occurring in a town or country district, and that they spare neither age nor rank; further, they are to a great extent considered as preventible diseases.

[1] See *Transactions*, 1874, pp. 708, 750.

Digitized by Google



H. H. Bridgman, A.R.I.B.A.
Architect,
42, Poultry, London, E.C.

Digitized by Google

Digitized by Google

Let us confine our attention to the *desiderata* affecting the staff of officials of most towns or districts in any organisation of the sanitary authorities; in other words, what more can be done for the removal, isolation and disinfection of persons suffering, and liable to affect others with, grave infectious diseases. I will not complain of the inadequacy of our present laws, but rather of the mode of getting them well and universally carried out. The defects are chiefly owing to the permissive character (not being compulsory) of their operations in all sanitary areas alike throughout the kingdom.

I would wish to confine my observations to three points of sanitary law. (1) We must insist upon a compulsory registration of infectious endemic and epidemic diseases. (2) We must insist upon compulsory isolation and disinfection, and removal of patients suffering from any dangerous contagious disease, under wise regulations and bye-laws. (3) We must insist upon the compulsory establishment of convenient and proper places, (hospital or other accommodations) for the reception of patients suffering from contagious and infectious maladies, and also of public disinfecting establishments.

All these demands admit of being better appreciated, and more efficiently carried out by sanitary authorities, whether they be corporations, vestries or local boards, poor law guardians or urban rural authorities.

With regard to the first—the registration of epidemic infectious diseases—everything coming under this head has been frequently debated, and the final result after many years of consideration by all parties concerned is the resolution agreed upon by the Council of this Association, and endorsed by the Association of Medical Officers of Health, to the following effect, viz:—

(1) Whenever a case of infectious disease occurs, it should be the legal duty of the householder or the person in charge of the case to report the fact to the sanitary authority without delay.

(2) That it should be the legal duty of every medical practitioner in attendance upon any case of infectious disease to give immediate information in writing respecting its nature, to the occupier or other person responsible for reporting to the sanitary authority.

What happens whilst we are without a national registration of epidemic disease to show its seat and origin? Medical men, officers of public health, and others are powerless until it is too late, to avert danger, to set on foot complete measures for disinfection. Complete disinfection has now to contend against

Digitized by Google

this radical defect, and it would be wise if all sanitary authorities were to press upon the Local Government Board the necessity of embodying in the next Sanitary Amendment Act the resolutions just referred to. The Bolton Corporation, assisted by their medical officer of health, Dr. Sergant, have set a noble example. In their Improvement Act of last Session, they have obtained compulsory powers to register early information respecting any epidemic malady which is known to or likely to affect the occupier or anyone residing in the same house. They have also agreed to pay the medical attendant for any certificate which he may be called upon to sign to that effect. The greatest honour is reflected upon the Corporation of Bolton by this enlightened view of public interests, and by this bold course which they have inaugurated. It is to be hoped that opposition will not come first from medical men. For should a medical man be the first to announce the unwelcome visitor, he runs some risk by making it public of being accused of doing mischief. I have known cases where the medical man in attendance has refused to take any part in reporting an infectious one, lest the sanitary officer should interfere and perhaps insist upon the removal of his patient to a hospital. The course we propose to take in meddling with private rights is mild in comparison with what has been suggested by others, and which is actually done in some States of America and in Holland, viz. :—to affix a card on the door of the room or infected house 'Small Pox is here,' or 'Scarlet Fever is here,' and even other plans have been suggested calculated to inflict injury or stigma upon the proprietor of the house which might have a ruinous effect on his business or shop; but our plan may be worked privately and without public exposure, and is nothing beyond what is demanded for the protection of the public health and safety.

I would not have dwelt so long upon this part of the subject did I not consider it a fundamental point in carrying out disinfection with any pretence of completeness.

This primary difficulty being granted we may come to the second part of the question, viz:—the disinfection of rooms, articles contained therein, with the isolation of the patient, or the additional step to complete the work, viz.: removal to a hospital. Unless the medical attendant works in harmony with the sanitary staff, and agrees to see that the disinfection is fully attended to and carried out to the satisfaction of the officer of health or sanitary inspectors of the district, nothing complete or satisfactory will be done in many of the houses of the poor but non-pauper class. The extreme apathy and indifference of

Digitized by Google

the lower and middle orders of society to stop the ravages of these diseases at their epidemic centres is much to be deplored, and will only be remedied by education. This laxity is perhaps the chief cause of the increase and severity of epidemics. The working classes visit each other freely during an epidemic season, and even whilst a patient is ill in a house or room, and his clothing are saturated with the poison. Their children are allowed to go to school (not so much since the School Board inspectors became aware of the danger). Feasts and fairs, holidays, Irish wakes and gatherings, are fruitful sources for distributing epidemic disease. No steps are taken to warn people that an epidemic exists in towns where it may be easily caught, and spread to other places free from such diseases. It would astonish you all, says Dr. Haviland, if we were to relate the facts about the distribution of small-pox and scarlet fever from epidemic causes throughout the country, such as for London, Birmingham, and other large towns in the Kingdom. He has very recently shown how fairs, feasts, gatherings, and holidays act in spreading from one parish to another, or to all parts of the country, a contagious malady that did not exist in many towns or villages prior to their having taken place and until it was imparted from a well-known centre of infection.

The practical result of this is not that such fairs, feasts, &c., should be altogether prohibited, but that sanitary officers should declare the danger, and warn the public of it, so that active means might be taken, and so that as little risk of exposure as possible may occur.

No complete cleansing and disinfection can be done without good hospital accommodation for a non-pauper class of persons, inasmuch as the rooms, walls, paper of walls, and floor boards, cannot without entire removal be effectually disinfected by sulphur or chlorine. This is essential before the sanitary officer can commence his duties, give his orders, and direct to what extent disinfection shall be carried out; what articles must be sent away to be cleansed and purified; what shall be destroyed, and perhaps paid for by the local authorities.

Independently of the disinfection of the room or house, there now comes before us the most difficult question in sanitary work: viz., the removal of the patient against his will or that of his friends. What should be done? The place of removal —the hospital or workhouse—may be objectionable to a poor but not pauper patient; the vehicle for his removal may be unfit, or badly managed; a pauper ambulance or cab requires to be carefully disinfected after such use to avoid mischief; owing perhaps to an imperfect and discourteous manner of

Digitized by Google

making the appeal for removal, a patient may not see the grounds for the same, or his friends might object to the proceedings. Various are the opinions and practices that prevail in different parts of the country as to the means of effecting removal.

I mention this to remind and teach sanitary bodies one practical lesson, viz., how much care they should bestow upon the character and choice of the inspectors who are charged with carrying out these operations: what tact and skill, what courage with kindness they must possess, what danger they must encounter in moving and carrying out from their beds the sick patients who, but for his entreaties, would not be prevailed to leave home and family (as the sufferer thinks) to die. If the inspectors cannot succeed in removal, who shall do the work? Whether the removal shall be done *vi et armis*, that is by force, by the police acting under an order from a magistrate, as also some clauses of the Act, and the question of exposure to contagion by neglect of persons, I leave others to discuss. I confess myself unable to decide in what manner and to what extent despotic power should be exercised in obstinate refusals which are met with in the execution of our sanitary duties. I have been fortunate in my experience to have had an officer who possessed marvellous tact for his work, and in my time he has succeeded by *persuasion* in removing upwards of 300 patients to hospitals without having recourse to magistrates' interference. I am therefore disinclined to sanction forcible means until others are proved to be unlikely to succeed; where they do not do so it is often the fault of the officer in charge of the case.

The other point to be insisted upon is that compulsory powers should exist for providing a public disinfecting establishment. It should be legally enforced, not left to chance, or to the capricious action of an ignorant majority on the Sanitary Council. The provision we have in London and in most large towns appears to me to be miserably below the requirements of the time, and the work of disinfection and cleansing the infected articles very imperfectly done. The men are not well paid, not well looked after, and not sufficiently intelligent and alive to the object and advantages sought after. Some parishes have not any disinfecting place, but send some articles away, and destroy others of trifling value. Some have erected an oven or hot chamber, to which the bedding and linen to be exposed to heat are brought. Frazer's ovens are heated by coke, and Levi's by gas, both of which are in general use; but what I most complain of is, that infected linen goes to washerwomen residing in all directions of a town, and, therefore, carries with

Digitized by Google

it the *contagia,* and endangers other households. No doubt in most instances the linen is believed to have been disinfected by chlorine, Condy, &c. I have always in my early reports to the Paddington Vestry maintained that a public place for the washing of infected linen should be provided in common with the disinfecting establishment, and should be an essential part of it This is still more necessary in towns where public baths and washhouses are provided in order to avoid anyone taking infected linen into the same, which would bring into disrepute these useful institutions. Through the kindness of Mr. Bridgeman, architect, I am enabled to present a plan for a building properly constructed to carry out, as far as experience can guide us, on a moderate scale, the disinfection and cleansing of articles of clothing and furniture—such as would be suitable for a town of moderate size (see Diagram). I entertain a belief that such an establishment is urgently required everywhere, and if made publicly known would be resorted to by a class of persons who are willing to pay for its use, and which pecuniary returns would *substantially* aid, if not pay its ex penses. But it should be compulsory to carry out the clauses of the Sanitary Act of 1866, and Public Health Act of 1872.

The building consists of a receiving room with an office; in the adjoining room is an apparatus or furnace for heating the drying closet and disinfecting oven; near this is an oven or air-tight chamber, capable of being heated by the same means to a temperature of 300°; also a drying closet similarly heated, whose panels are so adjusted that they are capable of being drawn out so that linen may be hung on them for drying. There must also be a room with conveniences for washing and boiling clothes. In the plans presented accommodation is also provided for residence, although this is not an essential part of the scheme. There should be a copper boiler, or vat, in which water is made to boil by a jet of steam from the steam boiler, and over it should be hung a tray, or cage, capable of being lowered by a chain or pulley into the vat. This tray will be charged with the wet linen, or things to be strained or boiled in the water impregnated with some disinfecting agent. A rotating drying machine, and perhaps a mangle with convenience for ironing, should be supplied. It is essential that there should be a tall chimney to take away the effluvia, and into which smoke from the furnace, hot air flue and disinfecting chamber should be carried from the oven. The smoke and effluvia must be entirely carried off. I have also recommended a store-room for disinfectants. In my opinion this establishment would be the proper place in which to keep the fever

Digitized by Google

carriage, as after use it could be immediately aired and disinfected, and before again being employed it could be properly aired and ready for immediate action, which is not generally now the case. The total expenditure for fittings will not exceed 200*l.* or 300*l.*

With regard to the management of a public disinfecting establishment, I consider a man and his wife sufficient to take charge of it and the stores belonging to it, and they should reside near the spot or in the building itself. There would be ample work to occupy both of them. The man would have to manage the small steam boiler and furnace, and the oven or hot air chamber would also require looking after, and even other apparatus would have to be kept in proper order. They would have to receive, give vouchers, and engage to return in a given time, all articles, clothes, bedding, linen, &c., committed to them, and to receive and give an account of money received for the disinfecting or for the use of the hot closet or washing-room.

The duties to be performed in the establishment would consist in the purification and exposure to heat of bedding, mattresses, washing of sheets, linen, &c.; in addition to this the same man or woman might be sent to private houses to disinfect them when the same has been ordered by the medical officer or the inspector of nuisances in accordance with Section 22 of the Sainitary Act of 1866. Such orders cannot be effectually carried out by private means. In some instances a special payment might be demanded if the duty be not ordered to be gratuitously performed by the Public Health Authority. It would be a great advantage and a real economy for parish authorities to employ occasionally one or two women with brushes, soap, and soda, &c., for washing rooms, stairs, and passages, where persons are found living in a room with an infecting disease, and are too poor to get sufficient warm water, soap, soda, brushes, &c. Failing such a resource disinfection is badly done.

A great difficulty will be found in obtaining a good site for a public disinfecting establishment, on account of its being a building used for objectionable or dangerous purposes. It should not be nearer than 50 to 100 feet to any inhabited house—if possible it should be away in the fields.

As to the method of charging for the disinfection of articles brought to the establishment, I would suggest a tariff regulated by the estimated value of the articles themselves. Thus articles of value under 5*s.* at 2*d.* each, articles of the value of 5*s.* or under 20*s.*, at 6*d.* each, articles of a value upwards of 20*s.* at 1*s.* each. Thus small linen articles and wearing apparel would

Digitized by Google

cost 2*d.* each, or even 1*d.*; sheets, blankets, counterpanes, &c., 4*d.* to 6*d.* each; curtains, carpets, beds, woollen dresses, mattresses, say 1*s.* each. These are low charges, and would not be deterrent in their operation.

I will not discuss the materials that may be most safely employed either in public establishments or in private dwellings as disinfectants and for sanitary purposes. By judicious methods of employing chlorine, iodine, sulphur, chloride of lime and zinc, carbolic acid and Condy's fluid, either with or without the assistance of heat, neither dry or heat and moisture, or steam combined or diluted with water, a degree of chemical action must be secured sufficient to destroy noxious matter and at the same time not to injure the materials so exposed to their influence.

In conclusion, I hope to have made it clear that all sanitary authorities either are or should be concerned in three ways with the disinfection question.

1. They must first by a compulsory notice and registration procure returns by which a knowledge of the seat and origin of the epidemic maladies may be known.

2. They must more vigilantly attend to the isolating and removal of patients suffering from the more dangerous forms of infectious diseases, and to the disinfecting of the rooms, clothing, linen, &c., belonging to them, and providing better accommodation for the non-pauper class of society.

3. They must provide a public disinfecting establishment under the management of the sanitary staff of the town corporation or district.

I trust that other persons present will furnish their quota of experience to my own, and fill up many details wanting to elucidate fully the difficulty of the question. I have simply attempted to place before you the more prominent topics open to debate, and those most likely to be called upon for explanation before any Sanitary Authority can recommend any expenditure of rates for the further protection of the public health.

On the Same. By Francis T. Bond, M.D., Medical Officer of Health for the Gloucestershire Combined Sanitary District.

THE consideration of this question presents itself under two aspects, which are reciprocally related to one another, viz., those of duties and of rights. Looked at from the largest point of view, it is the right of society to protect itself from the

Digitized by Google

incursion of infectious disease by such measures as can be shown to be necessary and practicable for this purpose, even though these measures may in some degree trench upon the liberty or personal interests of its individual members. Correlatively it will, therefore, be the duty of each member of society to give such assistance to the authorized public representatives of the community as may be required in order to make the general protection as efficient as possible. On the other hand, each individual member of society has the right to expect that, if he sacrifices his own liberty and interests to the extent above referred to, the public representatives of the community shall be compelled to afford him all the protection which is in their power against the attack of infectious disease. These considerations are apparently so obvious, and so elementary in their equitable aspect, that it might seem superfluous to have referred to them. A survey, however, of the present state of the law on this subject, and of the confusion which very generally exists in the minds of many persons with regard to it, will speedily show that the defective condition of existing legislative provisions for the arrest of infectious disease, as well as the imperfect and often impracticable suggestions which are sometimes made for their amendment, are equally due to a want of appreciation of these mutually related conditions, and of the limits to legislative interference which they impose. Let us, in view of these conditions, examine the present state of the law, and the operations of the machinery which it has created, and see what are the amendments in it which suggest themselves.

In the first place, then, as the interests of society are paramount to those of the individual, the first condition required is obviously that the body entrusted with the care of the public interests in this matter should be informed of the existence of infectious disease, whenever and wherever it may make its appearance. This requirement involves the corresponding duty of supplying this information on the part of those who may be able to afford it. The person to whom the representative of society, that is the local sanitary authority, has the right to look in the first instance for this information is, unquestionably, the householder upon whose premises the disease may exist, because he is the person who, in the ordinary course of things, is most likely to be in a position to communicate the earliest intelligence; because he is also the person to whom the authority will have to look for carrying out certain consequent preventive proceedings; and because, as a general principle of social organisation, each householder must be considered re-

Digitized by Google

sponsible for what occurs beneath his own roof, so far as it can be shown to be within his reasonable cognizance.

But, on looking at this condition from a practical point of view, it will be evident that the duty which society thus requires may involve, in many cases, a certain amount of technical knowledge which the individual householder cannot be expected to possess. He cannot, for instance, be supposed to know the difference between a harmless and an infectious form of sore-throat, or between measles and nettle-rash; and in this matter it is only where knowledge can be shown to exist, that responsibility can be enforced. Hence, it is practically necessary to supplement this primordial requirement of notification on the part of the householder by requiring also of any medical practitioner who may, in the course of his duties, become cognizant of a case of infectious disease, that he shall forthwith communicate the fact to the occupier of the infected house, so that he may be aware of his responsibility towards the sanitary authority, and may take steps without delay to discharge it. At present, the law in regard to this matter is in a transitional stage. It has recognised to a certain extent the necessity of this provision by allowing certain local authorities to incorporate it in private Acts of Parliament which they have obtained, though it has not extended it to the whole of the country. But as this provision is, by general consent, the essential basis upon which all effective measures for the repression of infectious disease must rest, its universal enforcement is indispensable as a prelude to further amendment of the law.

When society has thus taken the first step in the direction of self-protection by insisting upon being informed of the existence of infectious disease, so far as it is practicable to do so, the next consideration is, what duties does the possession of this information entail upon the sanitary authority to whom it is conveyed, and what rights does it confer upon the individual householder who affords it? So far as the authority is concerned, the duty entailed is, clearly, to take all measures that are practicable for preventing the spread of the disease; and so far as the householder is involved, it is equally clear that he should be empowered to enforce this duty for his own protection in case the sanitary authority should neglect it.

The measures which the sanitary authority should take are, first, to provide the means for isolating infectious cases where the individual householder is himself unable to do this; second, to provide such appliances for disinfection as the individual householder cannot be himself expected to possess;

Digitized by Google

thirdly, to diffuse information as to the general precautionary measures which are expedient for preventing the spread of infection, and the penalties which the law has provided in cases of culpable neglect of such measures; lastly, to prosecute such cases so as to maintain the observance of the law.

In regard to the first of these proceedings, it may be remarked that in the large majority of cases the only way in which a sanitary authority can effectually provide for the isolation of infectious disease, is by establishing a hospital for this especial purpose. In the present state of the law, it is optional on the part of the sanitary authority to do so, and, as a matter of fact, by far the larger number of authorities have not availed themselves of this option, and are consequently deficient in the only appliance by which the spread of infectious disease can be effectually checked. It is obvious that until this duty, instead of being left optional, is made compulsory, no real progress can be expected in this direction; but it may be a question to inquire what is the form which this compulsion should take? Shall it be, for example, by the enactment that every sanitary authority shall, either by itself, or in combination with some other authority, provide a specific building, set apart as an infectious hospital, for the use of its district? Or shall it be by insisting merely that each sanitary authority shall be responsible for providing for the isolation of any case of infectious disease which may occur within its district, whenever it shall be represented to it by competent evidence that such measure is desirable in the public interest? For my own part, I am of opinion that the latter provision would, if accompanied by certain other provisions to ensure its efficiency, which will be alluded to presently, be the preferable one, because, in the first place, it is very difficult to define what a hospital is; for this reason in the second place it would be practically still more difficult to punish direct default in providing one; and thirdly, because there are some districts in which, either from the smallness of their size, or from the sparseness of their population, a special hospital, however small, would entail an expense out of proportion to the benefit to be gained, and where the same result might be probably achieved much more economically in other ways. It appears to me, therefore, that if the duty of making effectual provision for the isolation of cases of infectious disease be rendered compulsory on every sanitary authority, it might be fairly left to the authority to discover what would be the cheapest way of accomplishing this end consistently with proper efficiency. There is, however, one provision which is es-

Digitized by Google

sential to meet the needs of small and scattered districts, and that is that the Local Government Board shall have power to enforce conbination between two or more neighbouring districts in providing hospital accommodation wherever it can be shown that this is the only or at any rate that it is the most effectual way in which this object can be obtained consistently with reasonable economy. I could give several instances from my own district, which might, I have no doubt, be paralleled by similar ones from numerous other parts of the kingdom, in which two or more neighbouring authorities whose interests are intimately correlated in this matter, and in which combination is eminently desirable, nothing has been done, although one or more of the parties involved were willing to unite. At present, although the Local Government Board has power to compel sanitary authorities to combine for such purposes as drainage and the appointment of Medical Officers of Health, it has no authority to unite them for the provision of hospital accommodation unless they voluntarily apply to it for this purpose, or, unless, whilst agreeing to combine, they are unable to agree upon terms. It is true that the 139th Section of the Public Health Acts, 1872, does appear very distinctly to confer the power of compulsory combination upon the central Board, but I have the best reason for knowing that the Board repudiates this interpretation of the section, since one of the authorities in my district, on my suggestion, applied to the Board to exercise the power which appears to be given it in the section, and it declined to do so, alleging as a reason that this power was not conferred by the Legislature for such a purpose.

With reference to the other measures for preventing the spread of infectious disease which it should be the duty of the local authority to take, the provision of a hot air chamber for the disinfection of clothes is no less essential than that of a hospital, of which it is, indeed, the proper complement. Such a chamber can be provided at a very small cost, and when supplemented by proper arrangements for conveying infected clothes to it, and for making it as largely available as possible, is a most valuable appliance. At present a local authority *may* provide such a chamber, but, as in the case of hospitals, the great majority have not done so, and will not until they are compelled. Of the provisions concerning the diffusion of information and the prosecution of offenders little need be said, as the powers already possessed by sanitary authorities in these respects are sufficient, and they generally make no difficulty about exercising them.

Having thus discussed the enactments which are necessary

Digitized by Google

in order to ensure the existence of the means for effectually isolating cases of infectious disease, we may now proceed to consider the conditions under which it is expedient that these means should be available. In the first place, so far as the sanitary authority is concerned, having incurred the expense of providing a hospital, it is only just that it should have as large powers as are consistent with the reasonable rights of the subject, for the purpose of compelling infectious cases to be brought into the hospital whenever it can be shown that the interest of the public demands that this should be done. At present the section under which sanitary authorities derive their power of compelling infected persons to enter a hospital is limited by the necessity for a medical certificate that the infected person is 'without proper lodging or accommodation.' The term 'proper' is ambiguous, as it may be assumed to refer merely to propriety of space, propriety of nutriment or medical treatment, or to propriety of conditions for preventing the spread of the disease. Allowing this latter interpretation to the phrase it is wide enough for all purposes; but this is a reading of it which magistrates are not always prepared to admit, and it would be, therefore, desirable to incorporate with the section some words, such as 'so lodged as to be likely to spread the disease,' in order to make its intent unmistakable.

A much more important point connected with this part of the subject, however, is that which relates to the rights of the ratepayer to admission to the hospital when it has been constructed. It is perfectly possible for a sanitary authority to provide a building for the reception of infectious cases at considerable cost, and to appoint a staff of officials for carrying the work on, and then by a very simple and apparently defensible arrangement, to make the whole affair practically useless. It is only necessary that, under the plea of economy, it should decide that the admission to the hospital shall be by payment, and to fix the rate of payment at a sum which will materially help to cover, if it do not altogether cover, the cost of maintaining the patients, and the usefulness of the hospital will, in all probability, be as effectually extinguished as if 'No admission except for the well-to-do' were written over the doors. For, the people whom it is most desirable to induce to enter the hospital are mainly not paupers, but the class which is just hovering above the brink of pauperism; people who are generally reduced to practical pauperism, though they may not become actual recipients of relief, as soon as disease enters their doors. To expect such persons to pay anything but a purely nominal fee, is to ask what is impossible. Now, if they are not to

Digitized by Google

be excluded from the hospital altogether, there are only three ways in which, so long as a fee for admission is insisted upon they can be admitted. Either the fee must be a merely nominal one; or the sanitary officer whose duty it is to admit patients to the hospital must be entrusted with a dispensing power; or this class of cases must be dealt with as paupers. The objection to the first of these devices is, that if the fee be merely nominal in amount, it cannot contribute in any material degree towards the expense of the hospital, whilst its existence, however small it may be, is an effectual impediment to the admission of those who can pay nothing. The objection to the second device is, that it converts the official who may be entrusted with the dispensing power into a relieving officer, without surrounding him with the checks which are necessary to prevent such a power from being abused. The objections against the third device are still more serious. In the first place, it makes paupers of those who are suddenly reduced to poverty by a calamity, which in nine cases out of ten is an accident, for which they are in no way responsible. In the second place, it leads to all sorts of difficulties, in cases where the destitution and the sanitary authority are not identical, as to the terms upon which paupers shall be admitted into the hospital. In the third place, by recognising officially the admission of paupers as such, it affixes a stigma upon the hospital, which makes the non-pauper class unwilling to enter it. And, in the last place, it really is no solution of the difficulty at all; for, where the sanitary and destitution authorities are identical, the money only comes out of one pocket instead of out of the other; and where they are not, the difference in the actual source from which the contribution comes is, in the large majority of cases, so trifling as not to be worth talking about. It is true that there is still another expedient by which the economical object which the sanitary authority may plead as a justification for imposing a fee for admission may appear to be capable of being realised without sacrificing those for which the hospital is established, and that is to graduate the fee in some definite way according to the circumstances of the patients. The only practicable way in which this could be done, would be by taking the rent of the premises from which the patient was brought, as the basis of assessment. But, against this course, too, there are several serious objections; such as, that as all ratepayers already contribute in some degree to the maintenance of the hospital by a sanitary rate, it is unnecessary to complicate matters by establishing what is, in effect, a second rate; that it would be very difficult in many cases to practically work such an arrange-

Digitized by Google

ment; and that its result in an economical point of view, would be quite incommensurate with the trouble it would cause, since, as the majority of those whom it is desirable to bring into the hospital can pay little or nothing, no scale of fees, however ingeniously it may be devised, can extract much out of them.

From the foregoing considerations, it follows, therefore, that there is only one course which meets alike the conditions of simplicity, expediency, and equity, and that is, to make the admission to an infectious hospital, established by a sanitary authority, perfectly free, and to throw the whole cost of its maintenance upon the sanitary rate. It is only where this is done, that the hospital can effectually accomplish the object for which it is established, or avoid the risk of becoming a failure, and in some cases a rather costly one too. But, as, judging from present experience, it is scarcely more likely that the majority of sanitary authorities would have the courage, if they were compelled by law to provide infectious hospitals, to make those hospitals free, than they now have to provide the hospitals when the law does not compel them, it is desirable, in amending the law on this subject, to distinctly enact that the provision which the sanitary authority shall be bound to make for the isolation of cases of infectious disease shall be free of charge.

Having thus dealt with this question under the assumption that the law should insist on the requirements above specified, it remains to consider briefly how to provide for the case of sanitary authorities who may insufficiently comply with these requirements, or may evade their duties in regard to them altogether. The clue to the proper line of procedure in such cases is afforded by the Public Health Act itself, in the power which it now gives to the sanitary authority to meet the case of individuals who refuse or neglect to carry out their duties in such matters as water supply, drainage, and closet accommodation. The sanitary authority is empowered in such cases to do the necessary work itself, and to recover the cost of so doing in a summary way from the defaulter. A precisely similar power should be given to the individual ratepayer whenever a sanitary authority makes default in providing the means of isolating cases of infectious disease. Upon the certificate of a duly qualified medical practitioner that a case of infectious disease was so lodged as to be likely to spread infection, and that, in the public interest, it required to be isolated, it should be competent for any ratepayer in the district in which such case existed to apply to the sanitary authority of such district for the means of isolating the case,

Digitized by Google

and in case the authority refused or neglected, or was unable to provide the means of isolating the case, it should be competent for such ratepayer to himself provide for the isolation of the case in such way as might be practicable, and to recover the cost of so doing from the sanitary authority in a summary way.

It is only in this way that any effectual compulsion can be put upon sanitary authorities to do their duty in this matter, and it is difficult to see what reasonable objection can be taken to such an enactment. To make use of a vulgar but expressive phrase, 'what is sauce for the goose is sauce for the gander.' Moreover, if the householder is to be compelled by law to notify the existence of infectious disease upon his premises, and, thereby, in many cases, as, for instance, of shopkeepers, publicans, schools, &c., to incur a risk of publicity which may seriously damage his personal interests, it is only equitable that he should be able to look to the public, for whose benefit alone he gives the information, for aid in relieving him from the difficulty in which he may be placed by so doing in case he is himself unable to provide for the effectual isolation of the disease; and if the sanitary authority, as the official representative of the public, neglects its plain duty in this matter, it is difficult to see why the powers of compulsion which it may invoke to make refractory ratepayers do their duty, should not be turned upon it by the ratepayers under reversed circumstances.

Let me now briefly resume the legal provisions contemplated in the foregoing remarks. They are six:—

1. Compulsory notification by the medical attendant to the householder.

2. Consecutive compulsory notification to the sanitary authority on the part of the householder.

3. Power on the part of the sanitary authority to enforce isolation of the infected person whenever it shall be certified that this is required in the public interest.

4. Power on the part of the householder to provide the means of isolation at the cost of the sanitary authority, whenever the latter shall make default in so doing.

5. Provision that the admission to any infectious hospital under the control of a sanitary authority shall be absolutely free.

6. Power to the Local Government Board to compulsorily unite neighbouring authorities for the purpose of providing hospital accommodation, whenever it shall be established to its satisfaction that it is in the public interest that this should be done.

Digitized by Google

Of these six provisions, which are the indispensable basis on which to found an effectual method of arresting the spread of infectious disease, all but the third are entirely non existent at the present time, and even the third is not nearly so clearly defined by the law as it should be. The object of this paper would not, however, be accomplished if it were to stop here. Not only is it necessary that it should be recognised that these six provisions are indispensable if our sanitary organization is to be more than a costly failure in its efforts to deal with the great bulk of infectious cases, but it is very desirable that it should also be recognised that these provisions are strictly correlative, that they all hang together, and that any attempt to enact one without the others must necessarily lead to failure. What, for example, is the use of attempting to enforce notification on the part of the medical attendant and the householder, of a case of infectious disease, if the sanitary authority is to be allowed to neglect its clear duty in providing the means of isolating the case? How, again, can this duty be enforced except by the simple expedient of making the sanitary authority pay for its default, as the householder has to do now under corresponding circumstances? Why, also, should the public be put to the expense of providing hospital accommodation if the law does not also provide adequate powers for compelling all cases which need such accommodation to avail themselves of it? How absurd it is, once more, to allow a sanitary authority to discharge itself nominally of its responsibility by providing a hospital, but really to evade it by fixing a charge for admission which is practically prohibitory to the class for whom the hospital is mainly wanted! Lastly, how inexpedient, not to say unreasonable, to compel a sanitary authority to be at the expense of providing a hospital for its own district, if it can be shown that the object in view can be accomplished equally effectually and more economically by its combining with a neighbouring district for this purpose!

I venture to think that the careful consideration of this subject is very necessary at the present time. There is a universal feeling on the part of all who take any interest in sanitary progress that the diminution of the very large amount of preventible mortality caused by infectious disease demands the urgent attention of the Government and of Parliament, and pressure is being brought to bear on both to make the notification of cases of infectious disease compulsory, without at the same time providing the requirements which are necessary to ensure that such a provision shall lead to satisfactory results. I cannot, for my own part, too strongly express my conviction

Digitized by Google

that such a course is likely to be followed by most undesirable consequences. If the already serious expenses of sanitary machinery are to be still further increased by driving sanitary authorities, under the pressure either of the law or of public opinion, to provide hospital accommodation, and to pay medical men fees for doing their plain duty in communicating to their patients the nature of the disease from which they are suffering, as, judging from the examples of Bolton and Huddersfield, it may be necessary to do; and if this increased expenditure is not also to be accompanied by such other conditions as are requisite to enable the object at which it is aimed to be effectually attained, the result which must ensue will be failure, and with failure will necessarily come reaction. For, if the public find that they are incurring heavy expenditure for the maintenance of a machinery whose chief *raison d'être* is the prevention of preventible disease, and if they also discover that the arrest of such disease is only effected to a very small extent, as will certainly be the case, they will naturally begin to ask themselves whether the game is worth the candle; and the economists, who are already beginning to ventilate this subject, may bring such pressure to bear upon their representatives as may lead to a suspension of activity which would be even more disastrous to the public interests than the general inertia in this matter by which so many sanitary authorities are now distinguished.

DISCUSSION.

Mr. Edwin Chadwick, C.B. (London), observed that the two able Papers treated of disease only after the late stage of development. The subject had been closely examined in the discussions of the International Congress at Brussels and Paris, where there was a universal agreement that the most profitable direction of effort for the prevention of the spread of disease was with the premonitory symptoms of undeveloped disease in the infantile stage of life, in which a considerable amount of success was reported through obtaining information before the actual appearance of the disease. To do this it was generally concluded that one of the most important functions that could be exercised by the officer of health was the inspection of schools, and especially the crèches and infantile and elementary schools. The officer of health should in this country visit the schools daily, as was done abroad; and if he observed any premonitory symptoms of disease he should be authorised to take preventive measures—first by the isolation of the child, and afterwards by a visitation of the home. The premonitory symptoms often appeared seven, ten, or fourteen days before the disease was developed. Therefore, information obtained at that stage

Digitized by Google

exceeded in value any measures that could be proposed for treating disease after it had appeared in full development. By insisting that children should attend school in a cleanly condition, one-third of the epidemic diseases might be stopped. The adoption of this rule in Paris had reduced the infant mortality in one school by two-thirds, and in another school by one-half. The Institute of Great Britain had agreed with him in favour of giving the officer of health power not only to inspect schools, but places of work. Experience of dealing with premonitory symptoms had been gained by the first general Board of Health at the advent of cholera. A house-to-house visitation of an infected district had reduced the fatal cases by more than two-thirds. Their system adopted at St. Petersburg had reduced the loss of life from 20,000 to 5,000; and the general conclusion on the Continent was in favour of this plan, by which a greater amount of success could be obtained in dealing with epidemic diseases than by any other known system. This system had the further advantage of diminishing the amount of hospital accommodation otherwise required.

Dr. G. W. Child (Oxford) said it would be necessary to look at the difficulties in the way of the measures proposed. What prospect was there, with the present organization, of arriving at the results which Dr. Bond and Dr. Hardwicke seemed to desire? Sometimes gentlemen seem to write their papers without reference to the kind of facts they saw before them. How could they deal with a case such as the following, that occurred recently? The day before the Christmas holiday of eight days a child attending school was taken ill. No doctor was sent for, and in a day or two the child appeared all right again. During the holidays the child ran about with the other children, and two days after the school resumed there were any number of cases of scarlatina. With the present appliances he was at a loss to know how such a case could be guarded against. Again, a medical man had told him of a visit he had made to a cottage where three or four girls, with their hands desquamating, were making pillow-lace, which, being sent to all parts, might cause an outbreak of disease, for which no one could account. In the case of glove manufacture the workpeople took home the ready-cut leather, and if they had been suffering from scarlet fever the same result as in the other case might follow. He did not see how such cases were to be provided against unless they could establish a system of espionage such as even the Spanish Inquisition never dreamt of. At any rate, no practical proposition had ever yet been put forward. Once more, take the case of small houses, with front doors close together and no gardens or back doors behind, the occupants living in two rooms, and the parents leaving their children all day in order to go to their work. In such a case, if scarlet fever broke out, it would probably attack all the children. If the officer of health went to such rooms he would find a few rags and a wretched old bed, and unless these things were utterly destroyed, what could be done? Besides that, where could they put these poor people during the process of disinfection? People who discussed this question did not consider the every-day life of the very poorest classes, or they would not talk so much about preventing disease. Preventible diseases so-called

Digitized by Google

could not be dealt with in the lump. Some diseases, no doubt, could and ought to be controlled; but others could not be dealt with successfully under the present conditions of life in this country. Typhoid fever—perhaps also other forms of continued fever, diphtheria, cholera, and small-pox—depended on conditions of management, and with a small extension of present powers and an increase of the present means of inspection, might be controlled; but in the case of scarlet fever, measles, and whooping-cough, with our present appliances and modes of social existence, it was almost impossible to make head against them, and little more could be done than at the present time is done. Isolation hospitals, if they could be carried out universally, might meet the case, but the great difficulty was to get at the disease at its beginning; yet on that point Mr. Chadwick had just given some useful information, and perhaps the most practical that had been offered that morning. If the sanitary authorities had more power than at present of quarantining infected persons in their own homes, the difficulty might perhaps be got over. He had known that done, though it was illegal, and the disease was stamped out at once. If they took what they supposed the first case in a house to a hospital, they would often find two or three other cases in the same house a few days afterwards; so that if the system of quarantining could be localised, it would probably answer better than any quantity of isolation hospitals, at least in thinly inhabited country districts. The law was at present very inefficient in this respect.

Dr. J. D. Heaton (Leeds) said that, as a private practitioner, he viewed the question from a different point of view from that whence it was regarded by the officer of health. A private practitioner, out of consideration for the feelings of friends of the patient, might feel a reasonable difficulty in declaring a case as one likely to develope into an infectious disease, so as to bring on the action of the officer of health. Should a case have to be removed to an isolated hospital, though greatly to the advantage of the public, it was not always to the advantage of the patient, who might possibly suffer rather than benefit by the removal. In his own house, with proper precautions, the patient stood a better chance of recovery than if subjected to the fatigue and exposure of removal to a hospital, and there placed in an infected atmosphere. A case had occurred at Leeds where a patient, suffering from rheumatic fever, was—from a misapprehension of the name—removed to the Fever Hospital, and there he caught typhus fever, and died. There were so many ways by which infectious disorders might be communicated, that it seemed impossible for legislative interference to be brought to bear practically upon them all. Isolation in private houses, or in hospitals, might be insufficient. Scarlet fever might be communicated by letters, or by books from the circulating library. It would be difficult to prevent the infection being carried to children in schools; and the fact of the school attendance officer requiring the attendance of children who might convey the seeds of disease, though their own health might not suffer, was a difficulty which even Mr. Chadwick's important suggestion would not meet. No inspection of school children would enable a medical officer to recognise the seeds of disease in the person of a child,

Digitized by Google

who might yet communicate infection though not himself suffering from the complaint. People waiting at dispensaries might also communicate disease. There were difficulties also in providing change of air for convalescent patients, owing to the impropriety of sending them to lodging-houses where other people would succeed, and the illegality of the exposure of an infected person; and frequently this difficulty was one that could not be overcome at all. If legislation were to be applied to this subject, it should be applied impartially to rich and poor, but how was it to be applied to people in good circumstances? Should it be applied to people who were wise and prudent in the management of diseases under their own charge, as well as to those who were imprudent? A great deal of good, however, which legislation would fail to accomplish, might be done by the dissemination of popular knowledge among the ignorant.

Dr. William Farr, F.R.S. (London), said that from the experience obtained in London during the epidemics of small-pox, it was pretty certain that patients who were taken to the hospitals and lived in their atmosphere, had died, when they might have recovered in their own homes. There was no doubt that, by putting patients together, the mortality increased. There were, however, disadvantages in leaving patients in their own homes, because they spread the disease more easily. Hospitals might be made more healthy, like that at Cheltenham, where, under an admirable system, a patient was as likely to recover as at his own home; and if, for the good of the community, patients were removed to hospitals, those buildings ought to be made as healthy as possible. The system carried out at Cheltenham might be more generally adopted with advantage, and if it could be extended to scarlet fever and small-pox cases it would be a great triumph, but that could only be done by taking those cases at the very beginning.

Mr. William Botley (London) said the readers of the Papers had advocated more permissive legislation, but the fact was that our recent legislation had been too much permissive and too little compulsory. The Society should encourage more of compulsory legislation. From personal experience he knew that nothing was so successful in stamping out disease as the house-to-house visitation of which Mr. Chadwick had spoken.

Dr. E. T. Wilson (Gloucester), said it was because he thought patients had a better chance of recovery in a fever hospital than at home, that he had taken up this subject, and the evidence he had collected fully bore out this conclusion. A marked instance had occurred at Newmarket, where, during an outbreak of small-pox, the mortality in a small overcrowded, but well-ventilated, hospital, was less than at the homes of the people. There was no danger, but rather a benefit, in being attended at a well-ordered fever hospital; and if infection were taken at a hospital, it must be the fault of the hospital management or arrangements. With proper precautions, such an instance would be impossible. As to home isolation, he had known several instances of its failure, though the homes were carefully watched. It was certainly better, in cases of enteric fever, to remove the patient to a hospital and give him a chance of recovery. As to what was to be done with the inmates when a house was to be disinfected, the difficulty

Digitized by Google

had been got over in an admirable way at Greenock, where reception-houses were provided for the purpose. When a house was attacked, the infected inmates were taken to the hospital, and the other inmates to the reception-house, whilst the sanitary officer took charge of the house. The inmates were kept in the reception-house twelve or fourteen days, till all danger of infection had ceased. The system seemed to be a perfect success.

Dr. CHILD explained that he never meant to suggest isolation of typhoid fever cases at home. He would draw a wide distinction between one set of infectious cases and another, *e.g.* scarlet fever and typhoid.

SANITARY CONDITION OF HOUSES.[1]

On the Better Regulation of House-building generally, and the best mode of improving the Sanitary Condition of Existing Houses. By ALFRED HILL, M.D., F.I.C., Medical Officer of Health to the Borough of Birmingham.

IN every condition of man, however primitive or hardy, he requires some sort of protection from the action of the elements, varying as they do from time to time in intensity, from heat and cold, from rain and wind, and from certain unhealthy conditions like damp and malaria. The particular form of protection sought will differ according to the degree of intelligence of the people; in the least cultivated tribes rising little above the shelter used by the lower animals, mere holes, for instance, dug in the ground, caves or clefts in rocks, huts made of branches of trees, tents, and, highest of all, houses properly so called.

The perfection of a house may fairly be considered then a true indication of the degree of civilisation of a people, and measured in this way we see how superior were the civilisations of ancient Babylon, Egypt, Greece, and Rome, with houses admirably adapted to the circumstances by which they were surrounded, to the degree of cultivation exhibited by the Arab in his tent or the Tartar in his hut of twigs bedaubed with clay, in our own time. The houses of the present day, substantial, convenient, and often handsome, are as different from the primitive kinds of dwellings I have mentioned as are the degrees of civilisation of their occupants, and such houses may appear to those who have not carefully considered the subject to fulfil all the requirements of comfort and health. A better acquaintance with the subject, however, will show that in some respects the modern house protects too much, while in others it is exposed to graver dangers than even the hut or the tent; for instance, it may be built on ground naturally unsuitable, or on soil

[1] See *Transactions*, 1873, p. 448.

Digitized by Google

which has become unfit; it may be supplied with impure air or not allow of proper ventilation, it may be insufficiently lighted and present many other defects, including a bad system of sewage-disposal.

When it is considered how large a part of one's life is spent within doors, it will be seen how great is the influence of the dwelling on the well-being of the inmates; defects of even a slight character operating for a long time each day may readily be understood to exert very marked if tardy effects on health, and in this way unsuspected defects may in time give rise to such disorders as scrofula and consumption, while they promote the occurrence of diphtheria, cholera, typhoid, and the zymotics generally. It must be in the experience of everyone that of two similar houses near together one shall be healthy and the other the frequent, perhaps constant, abode of preventable disease, and it is my object to-day to point out the principal causes at least of this remarkable and important difference. It is a question on which there is too much ignorance which urgently requires enlightening, on which there is consequent apathy, which pressingly needs dispelling, and it is particularly on occasions like the present that favourable opportunity presents itself for reading a lesson or giving a warning upon such subjects as the one now under consideration.

It would of course be impossible to treat with any considerable degree of completeness the many defects of a dwelling-house, but I propose briefly referring to the most prominent ones and those which are daily coming under my own observation.

To commence at the foundation, the defects to be noticed are those connected with the soil and those connected with the building. The ground on which the house is built may be wet and retentive of moisture, or actually waterlogged, and such a condition I need hardly say is dangerous, exposing to a variety of disorders, such as colds, rheumatism, and neuralgia. If the drying of it is impracticable such a site should be abandoned, but many wet soils may be rendered dry by deep subsoil drainage similar to that employed in agriculture. In all cases of damp soil such under-drainage is desirable, besides which other precautions in connection with the building may be advantageously taken; for instance, the foundation may be laid upon concrete, which is impervious to moisture, and this layer of concrete should be laid under the whole extent of the ground floors; the house may be further surrounded by an area, by which the foundation and basement walls are kept from contact with the ground to a large extent, and the brickwork as far

Digitized by Google

as it is necessarily in contact with the soil may be covered with water-resisting cement. Another simple precaution is the insertion of what is technically called a 'damp course,' which is a layer of material introduced into the brickwork of the walls just above the ground, consisting of a course of slate and cement or of metal, of asphalte, of glass, or of vitrified ventilating bricks. The quantity of moisture held by soils is variable, but sometimes very large. With regard to the effect on health of the drainage of damp soils, we have ample proof of its value in the remarkable diminution of one disease, viz., consumption, following on drainage; this diminution amounted in Salisbury to 49 per cent., in Ely to 47 per cent., in Rugby to 43 per cent., in Banbury to 41 per cent., and in Worthing to 36 per cent. Some soils it is impossible to drain efficiently, owing to their tenacity for water: such are clay soils. In this case it is desirable to have no basement-rooms, but to build on simple archways or short pillars, so as to leave a space for free passage of air between the surface of the ground and the under-surfaces of the floors. The object of these various precautions is to exclude dampness, which is readily absorbed by building materials, and so conveyed to the higher parts of the house walls by capillary attraction; also to prevent the aspiration into the rooms of 'ground air,' which besides being damp may be impure from causes which will presently more plainly appear.

My remarks have so far applied only to damp and wet soils, but the soil may possess other disadvantages; it may, for instance, be charged with decaying vegetable matter, or, what is worse, it may consist of the sweepings and refuse of towns containing not only vegetable but also animal matter, or it may be infiltrated or subsequently become infiltrated with sewage from drains, ashpits, cesspools, &c., and so may be constantly evolving the most noxious exhalations, which under ordinary methods of construction would be drawn up through the floors and continually infect the air of the house. I have known cases in which the builder, finding a good bed of sand or gravel when digging out the foundations of houses, has removed this to a great depth on account of its value and allowed it to be replaced by any unhealthy rubbish which he could obtain for nothing by giving notice that 'Rubbish may be shot here,' so reversing the proper order of procedure by which unwholesome soil should be deeply excavated and replaced by pure porous material.

In addition to the measures I have mentioned for securing dryness of soil and walls, the latter, which are frequently very porous and absorb an enormous quantity of water, may be kept

Digitized by Google

dry from rain by the building of them hollow, by coating them with tar, cement, or paint, or by covering them with slates. Where I find, in examining houses in which preventable disease exists, that the walls are damp from capillary attraction of water out of the foundation, I recommend that the mortar between two contiguous courses of bricks just above the ground be removed and a layer of slate and cement be introduced. From what I have said about dampness, it is clear that basement rooms, or, as they are in some large towns, cellar dwellings, are the most unhealthy, and this condition proceeds largely though not entirely from the fact that they are damper than other parts of the house. In towns like Liverpool, in which the use of cellar dwellings has been largely discontinued, there has followed a very marked diminution of the death-rate, and of course a greater degree of health. The reason for the greater healthiness of dry over damp soil is not difficult to discover when we bear in mind the actual nature of the ground.

It is commonly supposed that the earth is something entirely of itself, and quite independent of air and water, whereas the earth on which we live and move and build is a porous mass permeated by both water and air; the rain as it falls is absorbed more or less, to be passed on through most soils to a lower level, forming a sort of underground lake, the level of which varies in different localities, but is ordinarily indicated by the level of the water in the wells, while in the pores of the earth there exists also an underground atmosphere in direct communication with that which surrounds us, and constantly interchanging with it, and experiment shows that a porous soil contains one-third or more its bulk of air. Thus we have what are called 'ground water' and 'ground air,' both of which have received much attention, and with which are closely associated the investigations of Pettenkofer. It is evident that a wet soil contains not only too much moisture, but it also contains too little air; the result is that in such a soil containing organic matter, the healthy process of oxidation of organic matter is prevented, and in its stead the unhealthy one of putrefaction occurs, giving rise to products both offensive and injurious. These products being of a nature to rise in vapour and infect the air of houses, as well as to find their way into the wells and contaminate the water, it is easy to see how the health may become assailed in these directions.

The nature of the building ground has been long recognised as being an important contributor to the sanitary state of the house raised upon it. Ague is well known to be associated with a damp soil, and to disappear on its being drained; while

Digitized by Google

cholera is found to pass over towns which lie on granite, at a time when it attacks surrounding towns, situated on loose or porous soils. The reason of this is simple enough; the porous ground becomes infiltrated with organic and excrementitious matters, the products of decomposition of which find their way into the wells, and the gaseous products, at least, gain access to the houses, and thus a twofold poisonous action is exerted; but the case is totally different with ground which consists of granite, basalt, or similar impervious material; here there can be no infiltration, or only a very superficial one, so that the conditions for the development of cholera, or typhoid, do not exist. An impervious foundation is thus seen to have much the same effect as an elevated site, which being necessarily drier, purer, and more exposed to winds, enjoys an immunity, from cholera for instance, which lower levels do not share.

Passing from the site and soil to the interior of the house, we find that the defects of house-construction are not confined to any one part of the interior, they are often to be found in the cellar and extending to the roof. Perhaps the most serious shortcomings are those connected with the arrangements by which refuse matters are got rid of, and with overflows. An inspection of the cellar commonly discloses a drain which may or may not be furnished with a trap. The only purpose to be served by a cellar drain is to carry off the water used in swilling the cellar floor, but such a mode of cleansing is unnecessary, as it can be better done with a brush and flannel. There are at least two evils connected with a cellar drain; it must necessarily be under the foundation of the house, and it will almost certainly form an entrance for sewage backing up from a sewer in times of flood, or for sewer gas at all times, for even when the drain is trapped, it may become unsealed by evaporation. The existence of cellar drains is by no means uncommon, more particularly in the better class of houses.

On ascending from the basement and making an examination of the rooms on the ground floor, it is a matter of everyday experience to find, even in small houses, a sink in the scullery, and on examining the sink it is generally found to be provided with a bell-trap or a portion of one, for most frequently the bell is either broken, or removed intentionally for the more convenient riddance of slops, grease, tea-leaves and other solid substances which ought never to enter a drain or waste pipe, or, what is commonest of all, the bell is lost, so that in reality no trap exists. Unfortunately, what remains of it is, with the superstitious confidence of ignorance, as fully believed in as if the trap were entire and perfect. While using the eyes

Digitized by Google

in these preliminary observations, the nose is often assailed by an odour of sewer gas or drain air which is not to be mistaken, and on going outside to look for the outer end of the sink pipe, one is not surprised not to find it, the fact being that it is connected directly underground with the house drain, common perhaps to a number of houses. Now this direct communication of the scullery sink with the sewer system is not only extremely common, but it is also a type of what obtains in pantries, lavatories, cisterns, and various other forms of overflow, and I need hardly say it inevitably leads to the introduction, more or less constant, of sewer gas into the interior of dwellings. The house being at the upper termination of the waste pipe, and the drain or sewer at the lower termination, and the house being the warmer part of the system, it naturally follows that an air-current becomes established out of the sewer into the house. That this is the direction of the current I have observed over and over again, not only in the smaller class of houses, but also in the houses of the well-to-do classes and the wealthy. The amount of such sewer gas entering a house depends upon a variety of circumstances: upon the greater or less imperfection of the trap, or its absence, upon the number of such inlets, upon the elevation of the site upon which the house stands (for those houses in the higher parts of the town are more disadvantageously circumstanced than those at lower levels in regard to this matter), upon the pitch or inclination of the drains and sewers, upon the difference of temperature between the interior of the house and the air of the sewer, and probably some other conditions. But whether the entering sewer air be much or little, the danger is the same, differing only in degree, and the result may be, probably is in all cases, injurious to health. I am in a position to bring before you two examples, one of entrance of a large quantity of sewer gas, one of such a small quantity as to be imperceptible and unsuspected, occurring in my own house, both of which occurrences were followed by considerable constitutional disturbance.

On returning home about six o'clock one evening some years ago, I perceived the house to be full of what I had no doubt from its odour was sewer gas. A sink for washing glasses, &c., in the pantry proved to be the point of entrance, and the current of incoming air was so strong that it extinguished a candle held above the orifice of the drainpipe, which proved not to be trapped. There was no evidence that the sewer air coming in was infected, for it produced no specific disease, but like common sewer gas it produced nausea and vomiting in several members of the household. In order to save

Digitized by Google

the housemaid the trouble of carrying the bedroom slops downstairs, I had set up in the bath room a sink for their more ready disposal. The pipe from this sink, which was trapped, was only about three feet long, passing through the wall and opening into the outer air freely into a larger descending pipe, which itself terminated above the ground over one end of an open channel, which ran about eight or nine feet to a trapped drain; with these breaks of continuity and other safeguards, no gas from the yard drain could possibly find its way into the bath room. There was, however, a weak but unsuspected link in the chain, and it was this: the overflow pipe of the bath was made to communicate with the three-feet pipe from the slop sink at about two feet before its termination. In about ten days after the arrangement had been in operation, the person who slept in the room adjoining the bath room was seized with a very mild yet persistent form of diarrhœa; the servants also near the bath room followed next, and in a day or two every person in the house except one suffered in the same way. What seemed remarkable, but is very natural, is, the intestinal disturbance was always greatest in the morning, *i.e.* after every one had been exposed to the action of the gas all night in the shut-up house. The attacks being so general in their incidence, so persistent in their character, and intensifying with time, I felt sure that some common cause was operating, although I had no suspicion of its precise nature. I knew all the drains were carefully trapped, that no drain passed under the foundation, that there was no water-closet in the house, and no nuisance of any kind was perceptible. It never occurred to my mind to suspect the short waste pipe which conveyed away the bedroom slops, till one morning, sitting and thinking about the matter, I determined to go and examine it. There was nothing to detect in the sink itself, but on placing my nose close to the overflow pipe in the end of the bath, which I have already said communicated with the sink pipe, I detected the faintest possible urinous odour, borne upon a gentle incoming current of air. The whole matter was now intelligible; the very slight quantity of organic matter adhering to the sides of the sink waste pipe, after use for only about a fortnight, was undergoing gradual decomposition, the gaseous products of which were borne imperceptibly into the interior of the house by a gentle current, generated by the warmer temperature existing there. I immediately stopped the bath waste pipe with a cork, and as by magic the diarrhœa ceased the same day.

Instances of similar defective drainage arrangements, followed by similar and more serious consequences, might be

Digitized by Google

multiplied to any extent, but it is needless for me to say more on the subject. It may be remarked, however, that the houses of a superior class are placed at a greater disadvantage than cottage dwellings, for while probably the only communication in the latter is by means of the sink, in the former it exists through half-a-dozen different channels—the sink in the pantry, the sink in the scullery, the lavatory, the urinal, the bath, the slop overflow, the closet, and the cistern. The point to be borne in mind from these facts is the danger and injury arising from the direct communication between the interior of a house and a sewer. And it is therefore unnecessary to refer in detail to the many other points of entrance for sewer gas which may occur in a house, the simple principle in all such cases being to sever the direct connection. The way of doing this is shown in the diagrams on the wall, which illustrate how such severance may be conveniently effected. For the water-closet, however, where such interruption is inadmissible, a different disposition of the various parts is requisite. Here the soil pipe and drain and sewer must be continuous, and the dangers of sewer gas are obviated by a combined system of syphon traps and ventilation. The arrangement of the system is seen on the diagrams. The defects to be found in connection with the water-closet are very numerous, owing to its complicated arrangement. Without stopping to discuss the desirability of water-closets being placed in houses, I will enumerate the defects which have at various times come under my observation. The first is the absence of water; for, however absurd it may seem that a water-closet shall have no water, I have found closets in this town without it, sometimes accidentally, of course, but also sometimes by design. In the latter case, however, the closets were not in the houses. Another defect is a faulty valve, allowing all the water to run away and leave the pipe unsealed. A third fault is the situation of the soil pipe *inside* instead of *outside* the house, so that any leakage occurring, which is by no means uncommon, the excrementitious matters contaminate the floors and walls. A fourth error is the absence of a ventilating pipe in connection with the soil pipe; and lastly, a very bad and frequently observed arrangement is the communication of the water-closet soil pipe and various untrapped sinks and overflow pipes with the same drain by which the gaseous exhalations from fæcal matter are laid on to the house by a number of channels. Some time ago I was requested to examine a house at Edgbaston in which diphtheria had existed for some time, and had affected nearly every member of the household—parents, children, and domestics. The

Digitized by Google

medical attendant suggested that something was probably wrong with the drainage. And truly there was; if ingenuity had been exhausted to combine every evil of defective drainage it would have been almost impossible to have achieved a more insanitary result. The water-closet was situated among the bedrooms, the earthenware pan had lost its glaze and was saturated with impure matter; there had been an escape of gases from the soil pipe which found its way under the floor of the adjoining bedroom; the soil pipe was inside the house, and a very narrow zinc ventilating pipe had been fixed to the lead soil pipe, which ventilating pipe was also situated in the interior of the house. Such a joint between different metals like zinc and lead would be sure in time to become leaky, owing to the galvanic action set up between them by the action of ammoniacal vapours. The sinks, lavatory, urinal, and soil pipe, all converged to and emptied into a bricked catch-pit close to the back door, the pit being covered by a loosely fitting flagstone, and continually discharging offensive gases into the air of the yard and house. All this was as bad as it well could be; but, to crown the whole with the element of absurdity, a very expensive and elaborate arrangement of traps, ventilator, and man-hole for inspection and cleaning had been recently constructed between the drainage system I have been describing and the sewer. The family left home for a time while the drainage was put in order, in accordance with my suggestions, and diphtheria, which had become a permanent guest in the house, is now banished.

In another case, I was requested, by a gentleman in whose house there was no disease, to examine the drainage system, and make any necessary suggestions. I found that the pantry sink was in direct communication with the drain, and that this drain received the contents of the soil pipe from the water-closet; that the soil pipe was inside instead of outside the house, and not ventilated. I suggested those cardinal modifications which I have already indicated, at the same time warning him of the danger to which he and his family were constantly exposed—a sword of Damocles ever hanging over their heads. Extraordinary to relate, this gentleman, who had the intelligence to suspect possible mischief, and energy enough to obtain an examination of his drainage arrangements, displayed such apathy after the information and advice had been given, as to do nothing to protect himself from the indicated danger; with the unhappy result that in less than a year, his son, a promising youth, fell a victim to diphtheria.

The drains outside the house require some notice, for even

Digitized by Google

if severed from the house in the way recommended, they may still work considerable mischief. In my Annual Report to the Corporation of the Borough of Birmingham for 1877, I made the following remarks upon this part of the subject: 'Drains are put down, constructed without any regard to their effect on health, the sole object seeming to be to carry off slops; but so badly, as a rule, are drains constructed, that they fail even to do this simple office, and entail the further evil of succeeding in bringing into houses the dangerous gases from the sewers, or those engendered within the drains themselves. To mention shortly the leading defects of a common drain, as constantly met with. It has no trap, or the trap is upon such a bad principle that it allows drain-air to come *out* of the drain, and prevents liquids from going *into* it; this is especially so with the common bell-trap. If it be of brickwork, the masonry is often badly constructed, and allows leakage into the soil, with the effect of contaminating air and water; and if it consists of so-called sanitary pipes, the numerous inevitable joints are left without lute or puddle, and so afford as many points of exit for both liquids and gases, occasioning dampness and impurity of soil and walls and floors, with all their attendant dangers. This is the simplest case, such as is commonly presented by small house property; a consideration of the defects in better-class property, where the luxuries of sinks, bath room, lavatory, and water-closet are indulged in, would reveal still more prolific sources of danger. One can pardon the neglect resulting from ignorance, and, to some extent, that from carelessness, but I have been witness of the wilful disobedience of workmen who have been specially directed to puddle the joints of sanitary pipe drains, but who nevertheless have simply inserted the narrow end of the one pipe into the wide end of the next one, and have then filled in the soil, leaving the joints without a particle of mortar or cement. The result is, that the drain leaks at every joint, and the least evil that can follow is damp ground, walls, and floors; but, more probably, the earth becomes infiltrated with the worst forms of organic, namely, excrementitious, impurity, to the certain contamination of either air or water, or both, and the inevitable injury to the health of the persons within their influence. I see no way of remedying this state of things except by insisting that every drain laid, whether in connection with old or new property, shall be submitted, before it is covered up, to the inspection of a proper person. The question is one of immense importance in a sanitary aspect, for it involves the purity or impurity of the soil over the whole town, and the condition of the soil is

Digitized by Google

one affecting the general tone of the public health, and either the existence or the intensity of many grave forms of disease, especially those of the zymotic class.

It is not uncommon to find drains emptying themselves into cesspools, the cesspools themselves being unventilated; in such cases the decomposing matter evolving gases in the cesspools, these gases are liable to collect under pressure, and so force the trap at the house end of the drain, with the result of diffusing themselves in the vicinity of the house, or even in its interior. A ventilating pipe in the cover of the cesspool would, of course, obviate this result. Sometimes I find a drain running under the basement of houses, generally from back to front, on its way to the main sewer. This is a most undesirable arrangement, on account of the danger of its becoming leaky, and pouring out impure liquids and gases to poison the house. In such cases the drain may be diverted from under the foundation, which is the best thing to be done; but, supposing that to be impracticable, then I should recommend the drain in its whole length to be taken up, relaid on a concrete bed of considerable thickness, with the view to prevent leakage from the sinking at any time of the ground, and, after careful closing of all joints with cement, the envelopment of the whole in concrete. Finally, the drain should have an opening to the air immediately before entering, and at another point immediately after its exit from under the house, by which means no foul air at least could lodge in the drain.

The ashpits and privies, being receptacles of liquid filth either accidentally or purposely introduced into them, as well as of solid matters, and requiring drainage to carry off such liquid, may be regarded as enormous untrapped expansions of the drain; from their size, their liability to choke the drain issuing from them, and from their frequently improper position, they present one of the greatest evils in connection with house-drainage. They are responsible without doubt for much of the typhoid, diphtheria, and low-type disease. It was the commonest thing a few years ago to find these wet ashpits in Birmingham placed against the walls of houses, leading to dampness and impurity of the walls and atmosphere of the dwellings, and not unfrequently the liquid passed in quantity into the cellars, or even living room. Such ashpits have our first attention, and I trust they have now nearly all been abolished. A remarkably glaring instance of the total disregard of sanitary considerations came under my notice only a few months ago in a terrace of houses well built, with small plots of garden in front of each, and occupied by very respectable persons of

Digitized by Google

the artisan class. The ashpit, which was very large, open to the heavens, and necessarily wet, was so situated in the centre of a back-to-back row of buildings as necessarily to cause soakage into the walls and foundation of all the surrounding houses, and the privies were enclosed in the block of building, forming an integral part of it, and situated under bedrooms. The soft and hard water pumps adjoining were both seriously contaminated, so that the tenants were both breathing and drinking the products of putrefying animal matters of the most dangerous description, with the result, which you will hardly be surprised to hear, that nearly every house had sickness in it, about fifteen or sixteen cases in the terrace, one house alone having as many as six children suffering from fever. As if to leave no chance of escape, the scullery sink in every house was in direct communication with the drain. Common privies ought to be abolished in favour of either a good interception method or of water-closets.

I think I have succeeded in showing how imperfect is the system of drainage in Birmingham, and there is reason to believe our town is no exception to the rule, and how desirable it is that the authorities should be moved to provide for the proper laying and construction of drains. My experience only confirms that of others, that an imperfect drainage system lies at the root of the greater part of preventable disease. Every day I observe that the particular house in a row, or a court, in which disease exists is that one nearest to a sanitary structural defect; for instance, the house nearest the untrapped drain, or nearest the ashpit, and particularly where the latter adjoins the house. From what I have said it will be seen that I disagree altogether with a reliance upon traps in dwellings for keeping out sewer gas, the only positively safe method being severance. It may be that in certain cases a trap is desirable, for instance, in shutting out gases proceeding from the decomposition of matters adhering to the interior of a waste pipe, although severed from the drain. A very ingenious trap has recently been brought out and patented, although the principle is by no means new, the 'Bower' trap; it is a water joint supplemented by a ball of indiarubber, and very completely prevents the admission of sewer gas.

The ventilation of houses is no less overlooked than the proper arrangement of drainage; and this is not surprising when we reflect how slight is the impression made by the air upon our senses, and how defective is general education on such matters. If impure air possessed a strong odour not to be mistaken, like coal gas, a colour, or some other sensible

Digitized by Google

physical property, it would then in many cases—I don't say in all—receive the attention its presence would deserve, but having either no odour, or only a very slight one, and one which as a rule is of very gradual development, and to which consequently the senses are *pari passu* accustomed, its presence is not noticed. In other cases ignorant and habitually dirty people become so accustomed to an impure atmosphere that they take it as a matter of course, and entertain neither fear nor suspicion of it. The builder and architect, whatever may be their knowledge of the subject of ventilation, pay little attention to it as a rule, the sole object apparently being to run up buildings as cheaply as possible, regardless of the discomforts and dangers which may follow. To the ordinary person, particularly in cold weather, the predominant idea is that ventilation is something to be prevented; a room may be overcrowded with living beings, it may be brilliantly lighted with a number of jets, and still every attempt is directed to the exclusion of fresh airs. A mat is placed against the door, long sand bags are put at the junction of the sashes, and everything that ingenuity can devise is done to prevent the ingress of air. Fortunately nature is stronger than art, and so life is not immediately sacrificed, the evil is reduced to malaise and gradual impairment of health; but the one thing very seldom thought of is to arrange for the gradual and imperceptible change of pure for impure air, still less for the introduction of pure warmed air, which may be secured by such arrangements as the fire-places recommended by Captain Galton and Mr. Chadwick. Fire-places of this kind may be constructed so cheaply as to be applicable to the smallest houses. They possess the further advantage also of furnishing and economising heat at the same time that they supply fresh air. I am frequently impressed with the lamentable waste of heat in ordinary fire-places by the faultiness of their construction and material. As a rule the material is iron, the conducting power of which is so great that an enormous amount of the heat produced is practically lost. In the fire-places in my own house, I have replaced the iron except the bars by fire-clay, with the result that rooms which formerly it was impossible to make comfortably warm with the largest fires, are now readily made so with very much less fuel. To all classes such an economy in fuel is desirable, but with the poor it is a question of still greater importance; it is a matter not only of economy but of health and life. As one of the main objects of food is to support the animal heat necessary to life, it becomes of literally vital importance to the ill-fed poor to

Digitized by Google

place within their reach the means of obtaining from fuel the heat which they do not obtain from their food. External heat is of much more consequence than is commonly recognised, and the life of the very poor is frequently preserved mainly by the bit of fire over which they crouch. This being so, it becomes the duty of property owners to see that the fire-places in cottages are so constructed as to economise fuel, the cost of which in winter constitutes so severe a tax on the resources of the poor.

To return for a moment to the question of ventilation. Perhaps the system of building cottages back to back is more obstructive to ventilation than any other, especially when conjoined with this form of construction are windows which do not admit of being opened at the top, or, as I have found in many cases, are made so as not to open at all. The only chance of ventilation is from the door to the fire-place, and consequently such houses are little better than traps for bad air.

The windows of a house are not only an important part of the system of ventilation, but they are the sole channels of insolation; it is entirely by their means that we get 'light in the dwelling,' and owing to its greater subtilty the influence of light is less understood and acknowledged than that of air. It is true that deprivation of light is not so fatal as that of air, but it cannot be doubted that it is an influence stronger for good than is generally imagined, and that abundance of it is necessary for a full measure of health; this is seen by the pallid features of the miner as compared with those of his agricultural brother ploughing the ground in the full light of day above the miner's head, and is strikingly evident in the sickly growth of plants from which light is excluded, as in the dropsical, colourless, weakly shoots of a potato growing in a dark cellar. Besides this physical effect of light, it exerts a moral effect of no less importance. An ill-lighted house produces mental gloom; it prevents the ready detection of untidiness, and favours the accumulation of dust and filth, and is thus directly and indirectly instrumental in lowering the tone of the physical, intellectual, and moral parts of our nature. No doubt one of the causes of the unhealthiness of cellar dwellings is the too little light which they receive. It is then much to be regretted that houses even at the present day are built with windows so constructed as not to admit air except through fissures existing in consequence of bad workmanship, and so small as to be quite insufficient to let in the proper amount of light. We have no window tax now, except that which ignorance imposes, and as glass is cheaper

Digitized by Google

than almost any other material, there appears no reason why windows should be either too few or too small. We ought to hear oftener than we do the demand uttered by Goethe in his last moments, when his eyes were growing dim under the dark hand of death—'More light!'

There can be no doubt that with regard to house-construction we are advancing in knowledge, but it is only by repeatedly calling the attention of architects and builders to existing defects, and by educating the owners of houses, and the public who have to live in them, in the requirements of proper house-construction, that we can hope to raise buildings to that point of sanitary perfection which shall conduce in the necessary degree to public health, and harmonise with the well-established principles of Sanitary and Social Science.

Mr. F. W. Waller, Architect, read a Paper on the question. He thought houses should be certified healthy by the landlords, and afterwards they should be periodically inspected by properly qualified men, having power to insist on necessary sanitary measures; and all houses, old and new, would come gradually under this jurisdiction. In every house an adequate supply of fresh air should be admitted on a regular system, and not at haphazard. For the supply of fresh to take the place of vitiated air ventilation flues should be made, near some constant source of heat if possible, the kitchen chimney for instance; or flues may be made at the sides of the chimney breasts, and carried up through the house; or a flue be made in the chimney breast, the top open at ceiling, the bottom under grate: the heat of the fire draws foul air down and it passes up the chimney. For assisting in warming, air-chambered grates properly fixed are very effective, and may furnish a supply of warm air to the room where the fire is, or to the bedroom over, by means of a flue. All house drains should be entirely free from the sewer, and have a direct communication with the open air between them and the sewer. All drains should be carried outside the house at once, and empty their contents on to a trap where possible having an interval of a foot between the end of the drain pipe and the trap. Where this cannot be done, the end of the pipe may pass below a surface grating, and be cut off, and discharge its contents into a syphon lower down; both the top and bottom ends of the house drains should be left open, and the former be carried above all windows. Closets should be placed in an offshoot from the house approached by a ventilation lobby. Permanent and easily accessible inspection holes should be

Digitized by Google

made in the course of a drain. A plan of all the drains, flues, and pipes of a house ought to hang up in a conspicuous place in every house for reference, and all pipes, drains, cisterns, &c., ought to be put in accessible positions. The positions of all pipes in a house should be burnt in on the woodwork which conceals them; they are then recognised at once if wanted. Labour-saving appliances are much neglected in households. Hot and cold water service, hoists, speaking tubes instead of bells, warming apparatus all save labour, and consequently fewer servants are needed. Possibly a central motive power may be hereafter adopted for all mechanical work, either applied to houses, individually or collectively. In conclusion he said that those whose task it is to design the houses of the future have a wide field before them. Ancient architecture forms a vast and inexhaustible store of knowledge from which to draw, but it is not by a mere reproduction of archæological precedents, and by quaint conceits in designing, that satisfactory modern dwellings will be obtained, but rather by a judicious combination of past with present knowledge, and by a careful adaptation of the results of modern science to our present requirements.

DISCUSSION.

Mr. H. H. Collins, F.R.I.B.A. (London), said the whole gist of the question was the neglect by the sanitary authorities of the admirable provisions which the law had already made. The architect was often blamed, but in how few of the houses now built was an architect ever employed? If there was any 'viciousness' or 'criminality' in this matter, it belonged to the public themselves. For instance, he found that in Cheltenham whenever a person proposed to occupy, or allow the occupation of, a new house, he was required by the bye-laws to apply to the town surveyor to inspect the premises, and certify that the drainage, ventilation and water supply were in a satisfactory condition. How this provision was systematically neglected was evidenced by the fact that there were houses now to let in Cheltenham, of the rent of 120*l.* a-year, not badly planned, but wanting in most requisites to render them fit for occupation, and devoid of proper sanitary precautions. Notwithstanding this, the death-rate of the town was low—only ten per thousand. Scarcely any of even the better and larger houses in Cheltenham had been built under the supervision of an architect. The Metropolis Local Management Act, and other enactments, containing wise and beneficial sanitary precautions and provisions, protected, or rather should protect, the denizens of the Metropolis and its surroundings, but were habitually neglected both by the authorities and the public. He disagreed only with one or two of the proposals of Dr. Hill's Paper. His proposition that all connection between the house and the external drain should be entirely severed, which was perfectly sound, was not quite answered by

Digitized by Google

the diagram he had submitted to the notice of the section. There should be a current of pure air continually passing *upward* through the length of the soil pipe itself, the end of the same being left open to the atmosphere, both at the head and foot, in the same manner as the rain pipe. This was easily done by using 'traps,' which left the soil pipe exposed to the atmosphere without being in any way connected with the sewer. This was one step in the right direction. Dr. Hill had forgotten to touch on the position of larders and pantries, and domestic accommodation of this character; but, considering how prevalent was the contamination of milk and other fluids, this was a point without which the paper was incomplete. Upon the question of ventilation of rooms, admirable arrangements for forcing air into a room, and also extracting it, had been devised by several inventors. The form of closets also demanded attention. There existed, however, no trouble in procuring and adapting sanitary appliances; the whole difficulty of the subject, and the foundation of a great portion of that which had to be complained of, rested with the inactivity and supineness of the local authorities. He was an old member of the Paddington Vestry, and knew how difficult it was to move such bodies, a large proportion of whom were thinking men, and the rest were ignorant of the subjects they had to decide on; but even if all were equally well instructed, it would be impossible to move them as one would desire, on account of the question of expenses, and consequently additional rates. Their powers were ample with regard to everything pertaining to the sanitary planning of contemplated houses; but if it were proposed to put all the powers in force, the Vestrymen would begin to ask how many inspectors would be wanted, and what the cost would be? So long as expense is considered as being more important than health, things of course would remain much as they are. When private persons will not expend even a small sum to protect themselves from zymotic diseases, we need not be surprised at vestries hesitating to expend the rates for that purpose. It was only by continually agitating this matter, and bringing public opinion to bear on it, that anything would be eventually accomplished. The only auxiliary remedy was to carry out Mr. Chadwick's idea of creating a central controlling authority, who should have power to require local authorities to do what was considered necessary for the health, welfare, happiness and comfort of the people.

Mr. E. T. Brydges (Town Clerk of Gloucester) could not agree with the last speaker (Mr. Collins) that the law did give sufficient powers to the sanitary authorities, or that they were in all cases to blame for inaction. The Public Health Act of 1875 gave powers to the sanitary authorities to make bye-laws with respect to matters which would enable the sanitary authorities to grapple with many of the evils complained of; but in deference, as he supposed, to so-called 'vested interests,' the Legislature had confined the operation of those bye-laws to houses and buildings erected after the time the Local Government Acts came into operation in a place; so that, in the very cases where you would naturally expect them to be most useful and most required, that is to say in the older houses, they are inapplicable, and the powers of the authorities, such as they are, had to be picked out here and there

Digitized by Google

in a disjointed manner from the various sections in the Act, and were found to be tedious, roundabout and insufficient. Give the sanitary authorities full, clear and easily workable powers; and then, and then only, would they be open to blame if they failed to enforce them.

The PRESIDENT (Mr. Michael said it was a fact that the whole of the Public Health Laws of this country only applied to houses erected since they were passed; and whenever sanitary authorities had attempted to enforce the laws on houses built previously, they had been restrained; and the Local Government Board had struck out, in any bye-laws submitted to them, anything having reference to houses built before the statute. Supplementing what Mr. Collins had said, he might add that, in every single house he had visited in Cheltenham, he had found an escape of sewer gas. If that were looked to, probably the mortality of Cheltenham would fall from seventeen to twelve.

Mr. BALDWIN LATHAM, C. E. (London), said that it was legally the duty of the town surveyor to make an inspection of new houses to ascertain their sanitary condition; but as, in large towns, it was impossible for the surveyor to personally perform this duty, the work was left to a staff of inspectors. As a rule, when the inspectors visited a house, they did not meet with a hearty reception, and, consequently, the work of inspection was often only imperfectly performed. If the occupier of a house would only look upon the inspectors as engaged on their behalf, as sanitary authorities who were anxious to assist the people in getting healthy houses, many of the glaring defects that had been mentioned as existing in old property in the town of Cheltenham might soon be remedied. With regard to the arrangement for cutting off houses from direct communication with sewers or drains, he had found that an exposed pipe became frozen in severe weather, to prevent which the pipe should be carried a foot or two below the ground, and be made to discharge into an underground trap, when the warmth of the ground surrounding the pipe prevented it from freezing. Pearson's twin closet, which had been referred to, and was called 'trapless," but in which the trap was placed thirty or forty feet from the pan of the closet, was an exaggeration of the old form of the imperfect pan-closet. It might seem very surprising to many that in Cheltenham, in which there were so many sanitary defects, and such an absence of ventilation in the drains, that the place should be so free from fever; and the reason for it would be found in the fact that sewer air was not, itself, the direct cause of typhoid fever, as was generally supposed; for, if sewer air was as deadly as imagination had depicted it, then those towns in which there is an absence of ventilation and the conditions present for forcing the air into the houses, ought to be decimated by fever and typhoid; but the death rates of such towns do not confirm this view. Taking the number of persons dying annually in every 100,000, on an average of ten years, in a number of different towns, it is found that in Bristol, where there is no ventilation of the sewers or drains, and the action of the tide tends to drive the sewer air into the houses, the deaths from fever were 68, and from typhoid 38; the largest number of deaths in any one year from fever being 118, and the least 37. At Plymouth, where there was one ventilator in every five miles of public sewer, and

Digitized by Google

the house drains were unventilated, the deaths arising from fever were 71, and from typhoid 36. The greatest number of deaths from fever in any one year was 126, and the least 45. In London, where the whole of the sewers were thoroughly ventilated, but the house drains for the most part were unventilated, the deaths from fever were 64, and from typhoid 26; the greatest number of deaths from fever in any one year being 107, and the least 36. In Croydon, where both the sewers and house drains were thoroughly ventilated, the deaths from fever were 63, and from typhoid 59; the greatest number of deaths from fever in any one year being 139, and the least 17. These figures showed that sewer and drain ventilation, or its absence, exercised little or no influence on fever or typhoid. There could, however, be no disputing the fact that unventilated sewers and the escape of sewer air into a house did cause a low state of health, which rendered persons susceptible to disease. This had been confirmed as an established fact in connection with one of the London hospitals, which was closed on account of its unhealthiness, as the surgeons refused to perform operations. On examination, this hospital was found to be in direct communication with the sewers, and sewer air permeated all parts of the building. After the defects had been remedied, the hospital was again opened, with manifest advantage to all who had recourse to it. Here we had a case in which sewer air was directly breathed, and yet it produced no specific form of disease, but gave rise to an unhealthy condition, which became manifest in the surgical operations. Traps on house drains, if properly constructed and applied, were good and useful things; but the generality of traps in use were traps in a different sense than trapping sewer air. Traps on house drains should have a perpendicular fall into them of about six inches; yet, small as this fall appears, there are few house drains in which so much fall could be spared in order to make the trap efficient and self-cleansing. Dr. Hill had mentioned that drain pipes might be jointed with clay. Now such a material was one of the worst possible for such work. It was of a plastic nature, and if put into the socket of a pipe, as the spigot and socket did not fit accurately, and as there was considerable space to be filled with clay, the result was that, when the trench was filled up over the pipes, the weight of earth on the pipes squeezed out the clay from under the spigot of the pipe, and left an opening at the top, so that both air and water could leak out or get into the drain at every joint. One of the best and simplest methods of jointing pipes was to use a couple of strands of tarred gasket, which was forced into the socket when the pipe was laid, and afterwards to make good the joint in Portland cement. With reference to the so-called ventilating pipes, it should be borne in mind that air would not always take the passage provided for it; as an example, when water is poured down a pipe, air invariably follows it; and so down currents are often created when it is supposed that all air currents are upwards. With regard to that part of the subject relating to the importance of admitting ample light into our dwellings, too much importance could not be given to it. At the present day there appeared to be a strong inclination in some quarters, in order to study peculiar architectural features, to go back to the dark house of the Middle Ages. In this

Digitized by Google

matter of light it would be well for us not to forget an old Persian proverb: 'Let in the sun, and you shut out the doctor.'

Mr. Joseph Brown, Q.C. (London), said, though not practically conversant with this subject, still, like every owner of a house, he felt an interest in it; and particularly since the spread of diphtheria at Hampstead, which was attributed to the state of drainage and ventilation of the houses there. The real question was, what could be done to improve houses by the contrivances spoken of? Those who had spoken of public apathy in the matter had 'hit the nail on the head.' These improvements could not be carried out in the old houses without rebuilding them; but in a great many of the new houses they could, though it would involve considerable expense. No doubt the intelligent and wealthy gentlemen of the kingdom would take the precautions recommended by Dr. Hill, and their example would be followed in time by others of the middle and lower orders of society, though probably the present generation would not see the change. The local authorities had already extensive powers, though he was compelled to agree with Mr. Collins, that if they were all carried out the Vestries would have to quadruple their staff and augment the rates. It was a good suggestion, however, that the person requiring the surveyor's certificate of proper sanitary arrangements should pay the cost of it. The want of proper precautions could not be charged on the architects, but was the fault of the speculative builders, who spared every expense possible in order to increase their profit. It ought to be generally known that an important decision had been given by the Courts of Law within the last eighteen months. Mrs. Wilson agreed to let her furnished house in Milton Crescent to the Dowager Lady Winchelsea. This lady, before taking possession of the house, found the lower rooms pervaded by sewer gas, and ascertained that the drain, which was thirty years old, was in a most deplorable state. Consequently the Dowager refused to enter the house at all, and an action was brought against her for the rent, in which she pleaded an implied warranty that the house was reasonably fit for habitation; and although the agreement was silent on the point, the jury found for the Dowager. The case was appealed to the Exchequer, when three judges overhauled all the old cases on the subject, and held that a tenant who took a furnished house under those circumstances, and found foul vapours proceeding from the drains, was at liberty to throw it up without paying any rent at all. The public ought to be made acquainted with this decision. This showed that the Courts had done what they could; Parliament had also done what they could; and what remained to be done must be done by such associations as this. It would be very desirable to find some means of printing and circulating these papers and discussions among householders throughout the country; so as at least to make the majority of educated men sensible of the necessity for carrying out the sanitary improvements urged by the readers of the Papers.

The President (Mr. Michael) desired to speak of the great advantage of the use of gas in dwellings. The gas-shareholding public had been much alarmed by the prospect of electricity superseding the use of gas in houses. Having had opportunities of seeing the various

Digitized by Google

applications of electricity as a means of lighting as improved up to the present time, he did not share the fears which had had so great an effect on the price of gas shares. The difficulties to be overcome were so great, that the time was far distant when electricity could supply the means of lighting in houses. Gas was of very large value in houses, though Dr. Hill seemed to infer that it had insanitary effects; but if Dr. Hill was right, it must be because the gas was turned from its natural use and advantage. First, it was alleged that the use of gas produced a large amount of impure air. This was because no escape was provided for the products of combustion—a neglect of the first and most elementary principles that should govern the construction of dwellings. Means should be provided, in the first place, for the ingress of air, and in the second place for its egress. In our ordinary dwelling rooms even the little iron door in the new stoves of the register form was generally kept closed, effectually stopping the only means of egress for foul air. Generated by combustion, any sulphur compounds existing in gas which might be given off in the form of sulphurous acid, or sulphuric acid, would spoil the picture frames, destroy books, and injure health. If we wanted healthy dwellings, there should be provision for constant ingress of fresh air and egress of foul air. Gas might be made a valuable means not merely of lighting, but also of heating and ventilation. A small ventilator was now made in the very cheapest possible form; indeed, any man could make it for himself. He believed it was called 'Arnott's Ventilator,' and was made in Birmingham. It was placed in a hole made in the thick parts of the window-frame and door-frame, and a small piece of metal turned the current to the top of the apartment. What was wanted was to allow fresh air to come in freely into apartments. Our breathing and the lighted gas sent a large amount of heated air to the top of the dwelling-room, and something was wanted at the bottom to allow a continual ingress of fresh air. If the chimney were kept open, there would be a current of air without the intervention of the gas; but the gas might be brought in as an adjunct; if the cornice around the gas pendant were perforated, and a tube provided above the ceiling, the heated air would be carried to the chimney. Thus there would be a continual current of fresh air from every window and door, supplying the whole of the apartment; and the gas, as a heating medium, would help to carry off the vitiated air by means of the cornice ventilation to the chimney. A few shillings would supply one of these ventilators. Therefore, they must not bring an indictment against gas in dwellings. It was, in fact, one of the greatest boons ever conferred on the community; and no light would succeed that would not work automatically and without the intervention of scientific aids.

Mr. Collins said it was greatly through the active operations of this Association that during the last session of Parliament the Metropolitan Building Act was amended, by which the Metropolitan Board of Works would make bye-laws, which its district surveyors would see carried out, in reference to the foundations of houses, the nature of their sites, the materials to be used, and the sanitary mode of constructing buildings generally.

Digitized by Google

OVERCROWDING.[1]

How Best to Overcome the Difficulties of Overcrowding among the Necessitous Classes. By G. W. CHILD, M.D., Medical Officer of Health for Oxfordshire.

IN the first place, I must ask your attention to the limits of the subject which I have undertaken to bring before the Association—limits which are in some degree prescribed by the form of the question with which your Council have done me the honour of asking me to deal, and which the necessities of time and of the endurance of an audience compel me to draw still more narrow in some directions, while I must claim the liberty of extending them in some others. The language in which the subject is prescribed confines our attention to the consideration of the *remedies* which may be available against the evils of overcrowding, and I am therefore absolved from all necessity of dealing with the evidence of overcrowding and the facts which constitute that evidence. This I consider a boon equally to myself and my hearers, inasmuch as the evidence in question exists in such profusion that to deal with it alone would occupy more time than I have for the whole subject; and that, moreover, all who take any interest in the subject, and many who do not, have had it thrust on their attention *usque ad nauseam.*

Assuming, then, that the existence of overcrowding among the poor is not seriously questioned, and premising further that I propose to deal with the question mainly as it affects small towns and rural districts, I would first ask your attention to the fact that, so far as the State interferes in the matter at all, it does so at present by virtue of the same law, and by means of the same machinery, by which it also deals with certain other conditions which are apt to affect the dwellings of the necessitous classes, viz., by the law as contained in the Public Health Act of 1875, and as worked by the local sanitary authorities under the supervision—if that be the proper term—of the Local Government Board. Hence it is not possible to dissociate altogether the consideration of the remedies which may be applicable to the evils of overcrowding from those which might be proposed for other evils affecting the same kind of property and the same classes of persons. In other words, I would say that we must consider the question of the legislative or other remedies applicable to the bad housing of the poor in general,

[1] See *Sessional Proceedings*, 1864–65, p. 283. *Transactions*, 1873, p. 474.

Digitized by Google

and not attempt to isolate the single evil of overcrowding, which is but one symptom of a general disease, although, no doubt, the symptom most loudly calling for relief and most liable to bring about dangerous complications.

It is further necessary, before entering upon the considera tion of the possible remedies for the existing state of things in these matters, to endeavour to clear the ground by exposing some of the fallacies which prevail in regard to them. I have constantly found when discussing this subject, either in public or in private, that, while the evidence of the evil is admitted—as, indeed, it cannot but be admitted by every person whose knowledge is such as to justify him in expressing an opinion upon it at all—the reply is made, either (1) that things are better than they were, that we are gradually improving, and may, therefore, be content to leave well alone; (2) that private benevolence is doing a great deal, and may be trusted to do more; or (3) that it is no use interfering, or attempting to interfere, with the action of economical laws, and that that will in due time bring matters right; or (4), finally, that recent legislation—meaning thereby the Sanitary Act of 1875, and the Artisans and Labourers' Dwellings Act—has done all that is necessary, and only requires sufficient time to act, in order, if not to abolish the evil complained of altogether, at least to reduce it within endurable dimensions. I propose to deal with these views *seriatim*, and in so doing shall, I think, be found to have advanced the main question very considerably, by showing what is the real value of some of the remedial measures which are at present the most popular.

(1) To take, first, what may be called the optimist theory, with which we may also consider (2) the view, viz., that private benevolence has done much already, and is, in fact, adequate to do all that is required. This view is a very superficial one and is easily disposed of. It may be granted at once, with all due acknowledgments and thankfulness, that much *has* been done; vast sums have been expended, some wisely, some the reverse, but all at least benevolently. A great deal of labour also has been expended, and likewise, it must be admitted, a still greater deal of *talk*; but the view in question entirely overlooks the fact that the question is, not whether a great deal has been done *absolutely*—which no one denies—but whether a great deal has been done *relatively* to the amount which is required. It also overlooks the fact that these matters had not got into the condition in which they were found to be when first made a subject of careful investigation, some forty years ago, except by the action of adequate causes,

Digitized by Google

and consequently conveniently omits to inquire whether all or some of the same causes are not still in operation, and may not be neutralising, and in some cases more than neutralising, the absolutely great, but relatively inadequate, efforts which benevolence has been making to counteract them. Yet these causes are not far to seek. I will mention some obvious ones here, and shall have to refer to some of them again towards the end of my Paper. Among them there are such as: the increase of population, the constant rise in the price of land, the recent and rapid rise in the cost of building, and the combined extreme poverty and improvident habits of the lower classes—who require to be housed nevertheless. I may add that there are country places in which population has remained stationary, or even diminished; but in these places property has depreciated in value, the depreciation in houses being far greater than in land, while the cost of building has increased almost as much as elsewhere; and, as old houses fall into decay, the house accommodation in these places is sometimes quite as bad, and in all other respects, except overcrowding, even worse, than elsewhere. To show the inadequacy in point of fact of the benevolent efforts of recent years to meet the evils which exist I will merely quote two statements. Dr. Wilson, writing of Warwickshire, in the year 1876, says that in some of the villages from 15 to 20 per cent. of the cottages contain but *one* sleeping-room; and Miss Octavia Hill, also an unimpeachable authority, says of London, in 1875, that all the enormous private efforts made there in the last thirty years, including those of Lady Burdett Coutts, Sir Sydney Waterlow, and the Peabody Trustees, have housed only 26,000 persons; or, in her own words, 'not a great deal more than half the number which is *yearly added* to the population of London.'

Dr. Bond, in his Paper on this subject, read before this Association, five years ago, at Norwich, also expressed the opinion that at 'least 20 per cent. of labourers' cottages are, either from defective construction or from dilapidation, not really habitable.'

Lord Napier of Ettrick, when addressing the Association, as its President, some five years ago, calculated the *new* houses required in Great Britain at 700,000, and the expense of erecting them at 70,000,000*l.* sterling. To ask of private benevolence to deal with such requirements as these is simply to propose to dam up Niagara with a wisp of straw.

(3) Coming now to the third opinion, which would relegate the whole matter to the ordinary laws of supply and de-

Digitized by Google

mand, and bid us wait quietly until these two forces have adjusted themselves, and in so doing put everything that is now wrong right, I think that, without entering on the question as an abstract one, whether the action of these laws might not be sufficient to effect the object required, if adequate time were given and all obstacles to their free action in some way or another removed, we may, at any rate, easily show that there is no reason to hope for any practical solution of the difficulty from them. Nay, more, it may be said that an appeal to these laws is simply an appeal to the *laissez-faire* principle, and that it is just this system of *laissez-faire* which has landed us in the quicksand in which we now find ourselves. Some of the very causes already mentioned as tending to increase the existing evils—the rise in the price of land, of building materials, of labour, the utter impossibility of getting adequately increased a rent for cottages to meet the increased cost of providing them—utterly preclude the notion that they will cure themselves if left alone, at least within any time to which it is rational to look forward, or before these consequences have become such as to bring about a national catastrophe.

(4) There remains, then, to deal with the last optimistic view of the subject, that which, admitting the national character of the evil, and the consequent national requirement of a remedy, maintains that existing, and more especially recent, legislation—in particular those two Acts which I have already mentioned—afford the good and sufficient remedy for the evils of overcrowding, as well as for other insanitary conditions. Now, in practice, it is abundantly clear that the sanitary authorities are the bodies which alone can deal with overcrowding, and that they can do so in such districts as I am considering only under Secs. 91, *et. seq.*, of the Public Health Act, 1875—what are known as the nuisance clauses. Now, I am anxious to point out the effect of these clauses upon the overcrowding of cottages, bearing in mind that they are the same clauses which deal with other insanitary conditions constituting nuisances. The working of these clauses is commonly as follows: The Health Officer finds that a cottage is either so filthy, or so dilapidated, or so overcrowded, or so unfortunately situated, that it is injurious or dangerous to the health of its inmates. He reports to this effect; due notice is given to the owner or occupier, as the case may be. The notice is not complied with; proceedings are then threatened; and the owner, finding that the rent he is able to obtain will not pay interest on expenditure for repairs or improvements, elects to turn out his tenant and close his cottage rather than incur the required expense;

Digitized by Google

and thus the action of the law tends to increase the very evils which it was designed to remedy. The whole thing moves in a vicious circle. Cottages are scarce, because they do not pay; they are bad for the same reason; we interfere to put a limit upon the degree of badness which shall be tolerated, and by so doing make the scarcity still worse; or, on the other hand, if we refuse to put the law in force, for fear of increasing overcrowding, we must connive at a degree of badness in other sanitary conditions which we admit to be intolerable. Added to this, I would have you observe that the law, as it at present exists, cannot be worked equitably or equally. It is, so far as my experience shows me, impossible to adapt any single standard to localities in widely different social and economic conditions, and such are to be found very often within the boundaries of the same or adjacent sanitary districts. I have before my mind at this moment two places, only some twenty miles asunder, of which one, which I will call A, having been till lately a retired country village, has been overtaken and involved in the growth of a flourishing county-town; but, being within the boundaries of a different county, it remains a part of a large rural union; and the other, Z, was formerly the seat of one of those old-fashioned hand manufactures which are now almost extinct, and from being thus a small town has, with the departure of the manufacture, sunk into the rank of a purely agricultural village. In both there are plenty of bad cottages, but in the latter there are also plenty of empty ones, while in the former the population has outgrown the house accommodation. In such cases it is easy to see how almost impossible it is to work the law at all, and quite impossible to do so with fairness. Why should the owner of a bad cottage in Z be compelled to forego what little income he can get from it, while the possessor of a worse one in A is allowed to enjoy without interference the enhanced rent which the circumstances of the place enable him to exact? It is no answer to this to say that we cannot attempt by legislation to redress the irregularities produced by fluctuations in trade and circumstances, because the question here is, not whether the law shall or shall not interfere with ordinary commercial laws, but whether, when it does undertake to meddle with them, it is right that it should do so exactly in such a way as to increase the inequalities which they have already produced, and withal to effect its own object with but very slight and partial success.

I have thus shown good reason for declining to accept a one of the optimist views as to the present condition and the prospective improvement of the dwellings of the poor; and in

Digitized by Google

so doing have disposed also of several of the favourite panaceas for the evils existing. It is manifest that the ordinary laws of supply and demand have failed, and must fail, in the case; and it is equally manifest that private benevolence has been tried and found wanting, and that it is idle, therefore, to trust to it for future improvement. I have also shown that those recent enactments, under the shadow of which we are so often bidden to rest and be thankful, tend in their present condition to aggravate rather than to remedy the disease.

So far as I know, three remedies, or three classes of remedies, only have ever been proposed for the existing evil in the habitations of the poor, viz.: (1) appeals to benevolence; (2) trusting to the action of ordinary commercial laws; (3) or some legislative interference of a very different character from any which we have hitherto attempted. Of the first of these I would observe, first, that besides failing, as I have said, in actual practice, I would venture to suggest that it has been kept up of late years at a degree of high pressure at which we cannot expect to maintain it permanently, and that even so it has failed; and, secondly, that the objection which I shall again have to refer to in regard to the pauperizing effect of certain forms of legislative action appears to lie at least as strongly against the present remedy. If it be pauperizing a man to give him a house at an unremunerative rent by some general and regulated act of the Legislature, I cannot see that it is less pauperizing to give him the same thing by the act of a private person or of a cottage improvement company. I think it is at least open to question whether the action of private benevolence, in what is commonly called indiscriminate almsgiving, does not do more towards demoralizing the class who are its objects than does the poor law as at present administered, bad as I admit that the poor law is in principle. The second, or *laissez-faire*, remedy is simply no remedy at all; it only requires to be plainly stated in order to be condemned, for to its action it is that we owe the existence of the present state of things, and there is no sort of reason to suppose that it will ever improve or cease to aggravate them.

(3) In discussing the third and only practicable remedy viz., that of attacking the evil by legislation, and by legislation of a far more formidable and thoroughgoing character than any which has been attempted in this country since the passing of the new poor law, I am aware that I have a difficult task to perform and much opposition to look forward to. And first I would endeavour to dispose of one of the commonest fallacies of the day which affects this subject. It is a theory

Digitized by Google

much in favour with a certain class of politicians and would-be social reformers that what is called the unequal distribution of land is the root of the evil which we are engaged in considering, and that if we could divide the land into small portions and create a large class of peasant proprietors the evil would disappear. Now, I venture to say that, in a country existing under the economical conditions which obtain in England to inveigh against the unequal distribution of land is just as rational as to talk of the unequal distribution of old Dresden china, and not a whit more so. So long as there are rich men as well as poor they will pay for certain commodities more than their intrinsic value; and so long as they will do that, those commodities will always tend to accumulate in the hands of the rich; and so long as in England men are ready to buy land at a price which will pay them scarcely more than half the interest which they can obtain for their money on other unexceptionable securities, it can only be by means of some extremely artificial system that land can be maintained in the hands of other than rich men. This seems obvious enough as a matter of theory, and it is equally borne out by the experience of every-day facts. It has long been a commonplace that, even when a man wishes to get his living by applying his own capital and labour to land, he can do it to greater advantage by renting land from some one else than by buying and farming his own land; and, to bring the matter down to the classes with whom we are more immediately concerned, I have found it constantly the case that where a poor man has a cottage and a bit of land of his own, it is generally mortgaged to a man somewhat better to do than himself. If a class of peasant proprietors were created in England to-morrow I believe that, unless they were forcibly maintained, they would disappear in the course of a single generation.

This particular remedy, therefore, may be at once dismissed as impossible; but I must add, by way of consolation, that, so far as we can judge from existing facts, there is no reason whatever to suppose that, even were it possible, it would be effectual, but very much reason to believe the reverse, for everyone who is practically acquainted with the question will admit that of existing cottages those belonging to the peasant proprietors are the very worst. There are, of course, exceptions, but I do not hesitate to say that such is the rule. We have come, then, to the conclusion that if the bad housing of our labouring classes is to be remedied at all it must be so by the action of the nation as a whole; in other words, by legislation; and as we have also seen that our previous legislation

Digitized by Google

on the subject has had no tendency to effect the object aimed at, but rather the reverse, we must be prepared to attempt legislation of a very different and much more thorough character.

And here I feel it necessary to point out that there are a number of particulars in the present condition of our labouring classes which have a very important bearing upon the question of their habitations, and which, although they can be only incidentally referred to here, cannot be altogether omitted from any attempt at a complete consideration of that question; which all of them call for the most careful attention, and some of which appear to me to afford matter for very serious apprehension. The changes which have taken place in their position in many respects is obvious to all; but I think many of us fail to realize to the full extent the irregular, disproportionate, and incomplete character of those changes, and the consequent ground for apprehension which they afford. A season of rapid growth is always a time of some anxiety. All of us who are parents watch with satisfaction the rapid growth of our children so long as we see that their development is equal and natural, that one part of the system does not appear to overpower another; but when we see signs of weakness in part of the system developing itself more and more as other parts grow larger and stronger, then we begin to look upon the process with more anxiety than hope, and possibly even with more pain than pleasure. Now, it is impossible not to see that within the space of the last thirty or forty years the working classes of this country have undergone a prodigious development in many directions; but there are grave reasons to doubt whether it is altogether a healthy one. They have improved marvellously in what is called education, *i.e.*, the acquaintance with and practice of the arts of reading and writing has been enormously increased; their hours of labour have diminished—in some cases very greatly diminished; their wages, again, have risen. Then, too, they have acquired an amount of political power which their grandfathers scarcely dreamed of; they have learned to combine for the attainment of common ends and to make their voices heard in periodical literature and even in Parliament. But can it be said with any truth that they have advanced *pari passu* in what may be called personal civilization? Have they become more sober, more prudent, more humane, more decent in their personal habits, interested in a better class of amusements, than they were before?

It must be remembered that if these questions have to be

Digitized by Google

answered in the negative, or at least so far as they have to be answered in the negative, just so far the so-called advance of the working classes is not a good but an evil—a constantly growing source of demoralization to themselves, and a standing menace to the whole community. The connexion of all this with our immediate subject is obvious enough. I can remember, almost as long as I can remember anything, descriptions in the 'Times,' and in the Quarterlies of thirty years ago, of whole classes of English working men as barely able to earn enough to keep body and soul together, as kept sober by the absolute impossibility of buying beer, and as inhabiting a miserable, filthy, dilapidated hovel, with a single bedroom and no furniture. That was a lamentable picture, do doubt; but there is just one which may be seen now which is more lamentable still, and that is an English workman working short hours, obtaining high wages, able to get and getting enough food and more than enough drink, and yet living in a hovel no whit better than the one described before. The one was as pitiable an object as the eye of the philanthropist could fall upon, but that was all; the other is quite as pitiable, much more blameworthy, and incomparably more mischievous and dangerous to the community in which he lives. And here we have reached another aspect of the matter before us, and one which serves at once to necessitate and to justify the kind of exceptional legislation which I am persuaded that the present state of this question demands. The bad housing of the working classes at the present time is not altogether the fault of changed values in land, and labour, and building materials; still less is it entirely the fault of greedy landlords and hard-hearted middle-men; it is also in some degree the fault of the working man himself, who will not see that if he has higher wages he must pay higher rent, and who, worse still, is too often unwilling to pay something extra out of his enlarged wages in order to exchange a wretched hovel, inconsistent alike with health, decency, and self-respect, for accommodation sufficient for civilized family life. It is no doubt true that the excuse given for living in a bad cottage, 'Very sorry, sir, but we can't get a better one,' is valid in a majority of cases; but it is no less so that in a very large minority it is altogether false. There can be no possible doubt but that an over-large proportion of the increased wages of the working classes in the present day goes in mere personal indulgences, which are equally a bad investment, whether looked at from a moral, a physical, or an economical point of view. Here, then, we have the last element of obstruction which completes the dead-lock

Digitized by Google

as affecting this portion of the machinery of social progress. We have now seen distinctly that (1) there is a frightful deficiency both in the quantity and the quality of the houses of the poor. (2) That the same causes which have brought about this evil continue in operation even more actively than before. (3) That of the three possible remedies two are demonstrably inadequate; and the third (legislation), so far as at present applied, has tended to aggravate the worst symptoms of the disease. (4) That recent changes in our social and political conditions have also a tendency to aggravate the evil; and (5) that the working classes themselves cannot be depended upon by any self-denial on their own part to work the cure, however practically. Finally, it is impossible, I think, for any person who carefully weighs all the elements of the situation to doubt that they constitute a question of national moment which may at any time become one of national and social danger. These considerations, then, taken together, I venture to think, constitute the *dignus vindice nodus* of the poet; and the *deus ex machinâ* which must intervene is the Legislature of the country. In exactly what way and to what extent the Legislature is to intervene is a matter which admits of infinite difference of opinion, but the point which I insist has been proved to demonstration over and over again, equally by reasoning and by facts, is that, if the evil is to be cured, it cannot be by mere palliatives and half-measures, but that we must be prepared, as a nation, to put our shoulders to the wheel; and if we once do this there is no reason to doubt of our ultimate success. And I cannot but think that to deal successfully with a social cancer which is acknowledged to exist in the midst of us is a task which might tax the resources and gratify the ambition of a great minister at least as worthily as that 'spirited foreign policy' which would induce us to interpose in the quarrels of every nation under the sun while we neglect our own concerns, and are only too likely to meet with the proverbial result.

In a very admirable paper, to which I have already had occasion to refer, and which was read before the Association five years ago, at Norwich, Dr. Bond has shown how probably all that is required might be done without even introducing a new principle into our legislation; for, as he points out, the poor law and the sanitary law together contain the two principles: (1) that in certain extreme cases, at any rate, house accommodation is provided for the poor at the public expense; and (2) that under certain circumstances public authorities (the sanitary authorities to wit) are authorised to interfere with private

Digitized by Google

property and liberty of trade in the interest of the community at large. No doubt there is a vast practical difference between taking land for water supply or drainage, or even interfering to prevent the occupation of an unhealthy house, as the sanitary authorities are now empowered to do, and buying, repairing, or building and letting houses below the remunerative rent, as Dr. Bond proposes they should be permitted to do; but the difference is one of detail and not of principle, of degree and not of kind. The interference with property rights is as complete, if not as great, in the one case as in the other, the only important distinction being that in the one case the public authority would thus interfere to some good and adequate purpose, whereas in the other it does interfere either to no purpose at all or to make matters worse than they were before. For the the details of Dr. Bond's proposition I must refer my hearers to his paper. Its essential features, as most of you may remember, consist in the suggestion (p. 14), 'to include the erection of houses below a certain value in the category of sanitary improvements, and to empower the sanitary authority to provide them wherever it can be shown that they are required;' that the expense of the proceeding should be met by the same machinery as that at present in use for other permanent sanitary improvements; and that the abuse of the powers thus granted, and the equitable arrangement of the area over which the consequent rating should be extended, should be provided for by requiring that a Local Government Board inquiry should in all cases precede the exercise of the powers thus given (see pp. 22-23 of Dr. Bond's pamphlet). To make such a scheme work it would be necessary to supplement it with two further enactments, viz.: one to make action under its provisions compulsory and not permissive; and another which should make it a misdemeanor at a certain time, after proper house-accommodation is provided, either to let or to rent or to inhabit a house which was condemned by the sanitary authority as unfit for habitation. I am, of course, aware that there will be no lack of objections to such a scheme as this I am prepared to hear any amount of exclamations, such as 'Wholesale pauperization!' 'Rates in aid of wages!' 'Communism in disguise!' 'Contrary to the plainest principles of political economy!' *et hoc genus omne.* To which I have at once to reply that all such objections are obvious, and that some of them are weighty; but that I should not be disposed to advocate so unpalatable a remedy if I were not very thoroughly convinced that the disease to be treated is a dangerous if not a fatal one, and that the remedies hitherto applied have been

Digitized by Google

palliatives of the most inefficient character. On the latter subject I have already spoken; and here I will merely add that the Artisans and Labourers' Dwellings Act, the proposed extension of which to small towns and rural districts is the one remedy hitherto proposed which I have not noticed, is included by implication; for this Act, so far as I understand it, can only come into operation where builders can be found who can see their way to making a profit out of building decent habitations for the poor. Whether this can yet be done on any large scale in towns, it is probably too soon to determine finally: but that it can*not* be done in rural districts is a proposition which admits of no dispute. Upon the other point just raised a few more words must yet be spoken. Pauperism is a word which is heard by an English audience with a kind of shudder, and not unreasonably, since it stands as the greatest curse of modern English society; and for the purpose of avoiding the danger of establishing a new form of permanent pauperism I should be glad to see any legislation which may take place on this subject limited in its action to a certain definite period of years. But I cannot help remarking that the dread of pauperism which is almost conventional among us appears to be attached much more closely to the sound of the word than to the actual presence of the thing; for when what is called public opinion has been sufficiently worked up on any particular subject we find that Parliament is not only willing to 'pauperize' to an indefinite extent, but will even go out of its way to declare that for the particular purpose in hand pauperism shall not be pauperism! I am referring, of course, to the Elementary Education Act, in which exactly this course has been pursued; and certainly it does not seem easy to show a reason in the nature of the case why a man should be held to be pauperized by receiving State aid in order to house his children decently, when he is not held to be so pauperized by receiving the same aid in order to educate them. I would rather, for my own part, see the fact of pauperization honestly admitted in both cases; but if that ugly word is henceforth to represent, not a fact, but only a convention, I think there is as good reason for declining to apply it in the former case as in the latter.

But, without entering further upon any consideration of what pauperism is, and what measures tend to increase or to diminish it, I would desire before concluding to point out that there are other resources besides and above the rates, which can be rendered available for such purposes as those which we are discussing only by the action of the Government, but which

Digitized by Google

are for all intents and purposes national resources, and that therefore, as a measure antecedent to any calls upon the pockets of ratepayers, we require such a pressure of public opinion on the subject as shall induce some of our leading statesmen to give their earnest and serious attention to it. The resources to which I am referring are those afforded by the innumerable 'Charities,' so-called, which exist all over the kingdom. That many of them are mere anachronisms, that some are utterly useless, and others actively mischievous, are facts which are generally acknowledged, and there can be no doubt that further investigation would bring them out more distinctly. It will be in the recollection of most of my hearers that Mr. Gladstone some few years ago referred to the subject as one which called for investigation and regulation, though subsequent events have prevented his dealing with it further. I think, however, that few of us have any clear idea either of the enormous amount of property which these charities represent or the small amount of good which that property does to its recipients. I know one village in which the bad condition of the cottages is in a great degree owing to the charities; for so profuse are they that people are positively attracted from the neighbouring villages to live in this one in order to share in the innumerable 'gifts' which have to be distributed. If pauperism is to be our bugbear in this matter I should like to be informed what more objectionable kind of pauperism can exist than that which is fostered by these systematic doles of bread, meat, fuel, &c., distributed as they often are, and sometimes must be, on a system which might be described as 'shiftlessness tempered by favouritism.' In some counties of England the income arising from charity *lands* alone amounts to 10,000*l.* or 12,000*l.* annually; and I suppose it would be a pretty safe calculation if we were to double the sum in each case by way of allowance for other similar charities the capital of which is otherwise invested. I cannot pursue this subject at the fag-end of a paper already too long, but I have thought it right to draw attention to it, and I would commend it as one well worthy of investigation by such an Association as this, and as one which, if carefully handled, might contribute in no small degree to the solution of the difficulty with which we are immediately connected, viz., the adequate housing of our working populations. In conclusion, I would remark that the points to which I have chiefly called your attention are not and cannot be new. It has been shown over and over again (1) that the overcrowding of our population and the condition of their dwellings is such as to be at once a disgrace to our boasted civilization, a reproach to our profession of Christianity,

Digitized by Google

and an ever-increasing source of political and social danger; (2) that the evil is increasing rather than diminishing; and (3) that no remedy short of intervention by the State is at all likely to remove the evil. All this is well known and practically admitted. What is less well known is, that of the legislation hitherto attempted one part, the Sanitary Act, is generally inoperative, and where it is put in force tends to aggravate the mischief; the other, the Artisans and Labourers' Dwellings Act, is confessedly on its trial, and is only partial in its action, and, as I have shown reason to believe, will certainly prove inapplicable to rural districts.

Further, I have endeavoured to show that the dread of pauperizing people by giving them houses at an unremunerative rent, though an eminently rational one, may be met in the present case by the consideration that, of those portions of our rural population who live in decent houses at all, a large number pay an unremunerative rent, and thus are as much pauperized when they receive houses on these terms from private individuals as they would be if they received them on the same terms from the State—possibly even more so; and, finally, I have pointed out that an investigation of the innumerable local charities, themselves fruitful sources of pauperization, and requiring investigation on every account, might go far to afford a solution to the financial difficulties of the problem before us, without trenching further on the resources of the overburdened ratepayer. Lastly, I cannot forbear to ask whether, before we lend our support to a 'spirited foreign policy,' before we take up the part of a kind of ubiquitous knight-errant and ride abroad redressing human wrongs in Turkey, Bulgaria, Afghanistan, and the ends of the earth generally, we had not better remember that charity begins at home; and before we spend 40,000,000*l.* in two years for some Crimean war for which no human being is one penny the better, we might not reflect with advantage that the cost of two Crimean wars would, according to Lord Napier's estimate above quoted, more than suffice to house the population of the country, even if *all* the money had to be found by the Exchequer—a quite unnecessary hypothesis? The nation, as we know, soon ceased to feel the cost of the Crimean war as a substantial burden, and would soon recover also from the expenditure now suggested. In any case I cannot but believe that such an expenditure would better become a rational, a free, a civilized, and a Christian nation than to lavish the same sums upon gigantic and unremunerative armaments, upon those services which Mr. Bright has described as 'a gigantic system of out-door relief for the members of the aristocracy.'

Digitized by Google

DISCUSSION.

Mr. EDWIN CHADWICK, C.B. (Chairman), thought the points of Dr. Child's paper exceedingly well evolved and of great importance, and likely to be of value for legislative consideration. One of the difficulties to be encountered was the appropriation of suburban land. Some pre-appointed terms of expropriation should be obtained, such as giving power to expropriate land for public purposes, on giving double the average amount theretofore derived from it. Another method of lessening the crowding in populous towns would be by cheapening the cost of transit in and out of large towns. At present the means of transit were generally insufficient. Tramways did something; but granite or asphalte tramroads would enable the transit of persons and goods to be effected at half the present rates. The evils of overcrowding might be diminished by extending the present powers over common lodging-houses to numerous tenements now let out at weekly rents. Owing to the nature of their work the artisan population was a changing one and required as much protection as the traveller from one town to another. A weekly tenement, perhaps adjoining a common lodging-house, ought to have as much protection as the common lodging-house, the system of dealing with which had done so much to improve the death-rate. Sir Edmund Henderson, in his last report, stated that the cases of fever, disease and death in the regulated lodging-houses of the metropolis were about one-fourth only of those prevailing in the surrounding houses.

Dr. FRANCIS BOND (Gloucester) said it was impossible to hope to deal with so large a subject by any single remedy. It could only be attacked successfully on different sides. The suggestion made by himself five years ago in a paper read before this Association, to which Dr. Child had referred, seemed to be one means of dealing with it, but only a limited one. The action of co-operative enterprise might be introduced. What had been done in London by such means could already be seen; but little or nothing of the sort had been done in the country, one reason of this being that co-operative enterprise wanted a more legalised *status* to enable it to undertake the building operations. The sanitary authority had power to close certain unsanitary buildings, but no power to rebuild, and co-operative enterprise had no legal power to do it. What was wanted was some legislative power by which the sanitary authority and co-operative enterprise could act together, so that the latter might have a legal claim for the cost of the work performed. Sanitary authorities, and especially rural authorities, had at present no machinery which would enable them to carry out constructive sanitary works with commercial success. Another way in which the law might assist would be by authorising sanitary authorities to provide common lodging-houses. In his own district there was not a decent common lodging-house, but supposing they were to be closed, the difficulty would arise how to provide others. The sanitary authority might with advantage be empowered to construct one or more houses for the purpose of being used as common lodging-houses,

Digitized by Google

and that would not only meet a pressing want, but would diminish the cases of overcrowding by providing for members of a family in excess of their home accommodation. A prime cause of the difficulty of the subject was also that sanitary authorities were by far too tightly tied up as to what they might or might not do. Everyone knew that many of our statutes were due originally to experiments made by the enterprise of individual communities. Why, then, not allow sanitary authorities to make such reasonable experiments as had been suggested? It would be soon seen how far such experiments were successful, commercially and otherwise. The great want at present was that local authorities have more power of expending the funds raised in their own district in such way and for such purposes as might seem locally desirable.

Capt. DOUGLAS GALTON, C.B., F.R.S. (London), agreed with Dr. Bond that if the sanitary authority were to have more power to spend money it was desirable that it should be money raised within the district, because the present system of loans advanced by the Government, owing to the facility for obtaining it, and the absence of supervision by persons interested, had led to reckless expenditure, which ought to be stopped at an early date. The subject of house accommodation might be considered under two heads, viz., agricultural cottages, and houses in villages as distinguished from towns. In the case of towns there was usually supervision. There is no supervision over agricultural cottages. No doubt it is the interest of a landlord in the case of cottages attached to a farm to make the cottages fit for healthy occupation, because the waste of labour arising from bad cottages, and the occupants not being in a healthy condition, was very great. But landlords were not always alive to this; moreover, many cottages were built by mere speculators. It was clear in this respect that further legislation was required. An extension of the Artisans' Dwelling Act in certain directions might answer the purpose. No cottage or house should be built or materially altered without the approval of some sanitary authority. The same rule that applied in towns might apply to the country. The law already gave the power to close unhealthy houses, and the Artisans and Dwellings Act gave the sanitary authority power to purchase the property and resell the land for the purpose of rebuilding. This law he would extend to the country, and give the sanitary authority the power of rebuilding, and thus secure healthy houses over the whole kingdom.

Dr. G. W. CHILD (Oxford), in reply, said there was no great difference between Capt. Galton's view and his own; and he agreed that the suggestion made, that further powers should be given to the sanitary authority in the case of common lodging-houses, was a good one.

Digitized by Google

The Utilisation of Town Sewage. By the Right Hon. Lord NORTON, K.C.M.G.

SEWAGE is intended to refertilise land. In country houses and cottages, each dwelling should be able to utilise its own. Why should it waste such wealth of its own to the injury of others? To use your own without injuring others is a first rule, and why should anybody waste capital at all, especially poor people, even paupers included. In Belgium this sort of produce is estimated per head, and sold. I had a farmer who boasted of the good situation of his farm premises, because they drained easily into a river. Towns which still boast the same would have called him a fool. The sewage of very large towns presents the special difficulty how to distribute such vast collections over sufficient space. That is the only difficulty—the disposal, *i.e.*, the putting out to enormous profit an awkwardly accumulated capital. Sufficient space within reach, or carriage to a distance, are the difficulties to be dealt with. The first Act of Parliament on this subject led towns into a great mistake, and that is their only excuse for their implication in the consequent nuisance; and large outlay was inflicted on them, which now must be a good deal thrown away. They were invited to take up loans of large amount to make discharge of sewage into running water, or the sea. My own case against Birmingham is the leading precedent for an injunction against such a nuisance. Attempts have since been made by towns to utilise the sewers made with this view, into which the rain and street-washing also entered, for collection of the whole drainage in subsiding tanks, from which the sewage might be variously disposed of, as little as possible escaping into rivers.

It is curious to study the various experiments which have been made to convert sewage into cement, or anything but its natural use; or so as at least to conceal it, but never to make any profit out of it. The truth always comes out that application to land is the only profitable disposal of sewage. It also has been made to appear from these failures how enormously profitable sewage is, if it be properly distributed, and rendered perfectly free from becoming a nuisance. It has been shown for the first time what enormous produce may be obtained by manure from land. I have some statistics, of the produce of the sewage-farm at Saltley, (in the hands of the Corporation of Birmingham,) handed to me by Mr. Alderman Avery, than whom no man has given more enlightened and energetic attention

Digitized by Google

to the subject. In 1877, 78 bushels per acre were produced of black oats, besides two tons of straw; 60 tons per acre of mangold; four tons of hay; besides feeding off the same land; 40 tons of rye-grass per acre in five crops, besides grazing after the fifth mowing; 2¾ gallons of milk daily from cows. The return for 1871 has been in every item still larger. For instance, 120 bushels per acre of black oats. One has heard how security of tenure, even for a short lease of twenty-one years, draws out a Scotch tenant's capital into his landlord's land; but here we find that even the greater produce so obtained—in comparison with English farming on tenure at will—is distanced in amount by the produce from the utmost possible manuring under pressure of necessity. It is scarcely possible to punish land, if it is used, not as an English farmer uses it, with parsimonious abstinence, but as a manufacturer uses his investments, for the largest and most rapid turn of capital. On this Saltley farm the sewage of Birmingham is vomited out from sluices, and dug in and in from time to time, so as to saturate a perpetually turned-up soil, which becomes the vehicle of almost unlimited production.

What I have said is to point out that all that is wanted for the effectual, profitable, and innocuous disposal of the greatest collection of sewage in the largest towns, is sufficient land, and separation of the sewage from storm-water, so as to be neither excessive nor too diluted. Birmingham has nearly 400,000 inhabitants, and a sewage farm of only 200 or 300 acres. All the sewage that passes through land comes out apparently clear and innocuous into a river, after producing the above-described enormous crops. But a great deal has still to go into the river from deficiency of subsiding tanks, without passing through land; and whenever a storm comes the overflow from tanks is enormous, washing accumulations of filth directly into the river, almost as fatally to man and beast all down the valley, as if there had been no interception of sewage at all.

The chief remaining step to be taken to make a remedy for this great nuisance complete is the separation of storm-water from the sewage, allowing only so much rain to enter sewage drains as may be necessary to flush them. Naturally the towns are very reluctant to throw away to a great extent their first outlay on their main sewer, and to incur fresh expense in this proposed separation. They have inventions offered for the purpose, and I hope when they actively reflect how much more it would cost, and fruitlessly, to buy sufficient land to dispose of wastefully diluted sewage, how much more

Digitized by Google

disposable and profitable the undiluted sewage would be, and what a rescue from litigation there would be, they may resolve to take this last step, and completely solve a great national problem. If they will not Parliament must again interfere.

On Public Parks and Gardens.[1] By Miss M. J. Vernon.

IN speaking to this Association on public parks and gardens, I may take it for granted on the authority of that chapter of vital statistics which teaches the ratio between density and mortality,[2] that open spaces in towns do contribute to the health and length of life of the citizens.

The question therefore of providing in towns public parks is one of urgent importance, not only as a method of controlling in some measure the density of a population by spreading the population over a greater area, but as providing places for healthy exercise and health-giving recreation.

It is a matter which cannot wisely be allowed to wait; land once built over will never be turned into field or garden; the opportunity of creating a public pleasure-ground in an accessible situation, once allowed to slip, can never be recovered, or the value may rise so suddenly that the land may become too costly to purchase. Still it is short-sighted policy to reject land well suited for a park on account of its costliness. Certain spots are evidently the right ones for the parks, and those spots should be saved from the builder at all hazards. Round the park the pleasant suburb will gather, in course of time to become town itself, but the park will for ever be there, an oasis in the wilderness of bricks, and a reservoir of fresh pure air for the crowded habitations round.

The Legislature has done wisely in granting every facility to 'urban authorities' to acquire land for parks by gift, lease, or purchase. Corporations and local boards (out of London) may accept gifts of land, or they may acquire land by lease or purchase, and may level, drain, plant, and lay out grounds,[3] and may support pleasure-grounds provided by any person whomsoever,[4] or land may be vested in trustees for purposes of recreation; and on behalf of open spaces even the venerable statute of mortmain is so far relaxed that a conveyance of land for parks will be valid without enrolment,[5] although the donor

[1] See *Transactions* 1867, p. 471; 1877, p. 498.

[2] 'Supplement to the Thirty-fifth Annual Report of the Registrar-General,' page xxiii.

[3] 38 & 39 Vict. c. 55. s. 164. [4] 22 Vict. c. 27. [5] 34 Vict. c. 13.

Digitized by Google

or grantor may die within twelve months of making the grant. I think it is not generally known that land to the extent of twenty acres for the purposes of a public park may be left by will or codicil made twelve months before the death of the testator, and duly enrolled in the books of the Charity Commissioners. Again, a majority of two-thirds of the ratepayers of any borough or parish of 500 inhabitants maintaining its own poor may, on certain conditions, impose a rate of 6*d.* in the pound to meet an equal sum which shall have been raised by private subscription or donations, for the purpose of purchasing, or leasing, and maintaining public walks or playgrounds.[1] By Acts specially applicable to London, the Metropolitan Board of Works is empowered to apply to Parliament for powers to acquire and manage any land as a public park or pleasure-ground; to take charge of neglected gardens (not within the City, the Corporation having similar powers there), and to vest the same in a committee of the rated inhabitants of the surrounding houses; or in the vestry or district board: the expense in either case being defrayed by such vestry and district board.[2] Under the Metropolitan Open Spaces Act, the Board of Works may purchase or acquire by gift open spaces for exercise and recreation, and make bye-laws for the management thereof.[3] In the second clause of this Act, a right of entry to such places as square gardens may be conferred on the Board of Works by the owners and occupiers of the surrounding houses having the right to use the garden, subject to such terms and conditions as may be agreed upon; but this clause has not yet been put into operation, and it is feared that its language may render it difficult to work. The Corporation have similar powers conferred upon them with reference to gardens in the City of London by a private Act, and are authorised to spend the grain duty of the City of London in defraying the expenses.

From Parliament there is little more to be asked. What is still to be desired, however, is that a bill should be introduced next session, first, empowering the Board of Works to acquire land on lease for public parks; and second, enabling the owners of open spaces to place them at the disposal of the Board absolutely for certain periods; so that, for instance, square-gardens might be given over to the control and superintendence of the Board of Works for the months of August and Septem-

[1] 23 & 24 Vict. c. 30.

[2] 26 Vict. c. 131. This Act may be put in force also by corporate authorities of cities and boroughs.

[3] 40 & 41 Vict. c. 35.

Digitized by Google

ber, or on certain days and at certain hours. We must look to the Commons Preservation Society to initiate such a measure.

It would be an untold boon to the thousands of children turned adrift in the August holidays of our elementary schools if they could have the run of the squares for that single month of August, when the inhabitants are enjoying themselves elsewhere.

Through the kindness of Dr. Farr I have been supplied from the General Register Office with information as to the open spaces in London and certain provincial towns; and it is encouraging to find that several Corporations are awake to the need of increasing the number of parks in their boroughs, and that private donors have in many instances conferred this most precious gift of land upon their fellow-citizens.

Bradford heads the list: its five large parks were bought at a cost of 187,000*l.*, one by subscription, the other four by the Corporation; the Lister Park having been sold by Mr. Lister at a reduced price in consideration of its public use.

It is pleasant to learn that at holiday times one of these parks is 'the gathering place for all the country side;' here, as Milton has it,

> Young and old come forth to play,
> On a sunshine holiday;

that the grounds are laid out with lakes and terraces; that another park has a conservatory, another statuary; that there is space for volunteer reviews; room for cricket; and above all there is music in the summer evenings. In the matter of parks Bradford is our model city.

Birmingham, too, has its chain of seven parks in the outskirts and two recreation grounds, five of these being the gift of generous citizens. They are not so large as the Bradford parks, nor so near to the centre of the town; and while Bradford has an acre of open space for every 755 of her population, at Birmingham an acre has to serve for 1,665 of the inhabitants. Though Liverpool has four large parks and has not been afraid to spend over half a million in land, she has but an acre for 1,011 of her people. In Sheffield 3,665 persons must share an acre of mother earth; in Nottingham, 1,101; but the Nottingham Corporation is on the point of adding Bulwell Forest, five miles from the town, to their other pleasure-grounds, and the 150 acres they possess are scattered in eight different places and include a bit of the old forest.

Oldham has just become possessed of a park which gives an

Digitized by Google

acre of land to every 1,412 of the population, and Portsmouth Corporation has bought two pieces of ground, which will be an acre for every 4,175 persons. Plymouth has not added to the Hoe and the Governor's Meadow for the recreation of her dense population, and here 3,345 inhabitants must share every acre of open space. Norwich with a population of 84,000 has but the Chapel Field; Brighton but the Level and the Racecourse. Bristol boasts of the Clifton and Durdham Downs of 442 acres, which looks on paper as if Bristol had plenty of open space for her 200,000 inhabitants; but the Downs are two miles to the north-west of the town, and there is no park or playground in this great city. Leeds is finding out at last the want of a park, and the Corporation has purchased an estate of nearly 350 acres, three miles from the town, and there are five recreation-grounds already, of 108 acres.

Manchester is ill supplied with parks; she has but three, and Ardwick Green, an old square-garden turned into a recreation-ground. An acre of open space has to serve for 2,861 citizens, and this is a city notable among other things for her wealth, her fine buildings, her dense population, and her heavy 'death-toll.' Wolverhampton has no recreation space at all.

For contrast to this we must look across the Atlantic to the great parks of American cities; to the Central Park in New York, larger than Hyde Park and Regent's Park put together; or to Fairmount Park at Philadelphia, containing the Vista Drive, *seven miles long*, with wood and water, rock and river, fountains, statues, and conservatories; and see the bequest of the man who loved flowers and lacked them in his youth, the bequest of a greenhouse always kept full of blooming plants, set in the 'side walk' of the busy street to gladden the eye of the passer-by.

Parks are not all we want. They must of necessity be far apart, and we should have open spaces near together. Parish gardens they might be called, where the invalid and the aged would creep out of the close alley and dreary court to bask in the sunshine; where the child-nursemaid could safely be left to mind the little ones, and the older children would enjoy happy, hearty play. How our decent poor would hail such gardens; they know so well what the contamination of the streets is; but as things are, the streets for the most part are the only playgrounds.

Not long ago the landlady of a house in north-west London told me she had beaten a tiny boy and girl, the motherless children of a lodger, too young even for the infant school, for swearing.

Digitized by Google

'How is it possible,' I asked, 'that such mere babies could have picked up such language?'

'They're always in the streets, ma'am,' was the answer, 'and that's where they've learnt it.'

Our parish gardens should not be too fine; some bright green grass, watered in dry seasons into verdure, as the French water grass; a few hardy trees, broad gravel walks, plenty of seats and rustic shelters for rain, a bit

of earth and sky,
And some flowers to bloom and die—

this is all we want to brighten and purify the lives of thousands of the poor around us. How great the gain, how small the cost!

In London we have open spaces,[1] amounting to 100 acres or thereabouts in all; but they are only open to sun and air, but in no sense open to the teeming population hard by, who live in mews or narrow dismal streets.

For half a century appeals have been made to the generosity of the owners of square-gardens to unlock their gates and ask the public in; but so far as West End squares are concerned, hitherto without success. Bryanston Square was indeed lent for some years for an annual parochial flower show, but last summer that boon was refused. The lawyers, however, are leading the way to a better state of things. For two autumns the Lincoln's Inn Library Garden has been opened after five o'clock, and multitudes of children have enjoyed their evenings there, playing about while their mothers sat and watched them. This year, Lincoln's Inn Square, by the kind permission of the trustees, has been opened one afternoon a month for three months. It is satisfactory to learn that no damage has been done, and that even the gardeners are well pleased to let the children in. The Temple Gardens have also been opened on summer evenings for some time. But the West End squares are still closed and desolate.

Fifty years ago the writers of 'Guesses at Truth' pleaded 'what bright refreshing spots would these be in the midst of our huge brick-and-stone labyrinths, if we saw them crowded in summer evenings with the tradespeople and mechanics from the neighbouring streets, and if the poor children who now grow up amid the impurities of the alleys and courts were allowed to run about these playgrounds. We have them all ready; a word may open them.'

[1] An excellent use has been made of some disused churchyards in turning them into gardens open to the public.

Digitized by Google

In New York a word has opened the squares; wall or fence has disappeared, and all day long the gardens are used by all classes of citizens, and will remain 'a joy for ever' to the people. Why we appeal to a generous public spirit in some of the square owners is, that they so rarely use the gardens themselves, that to invite others in would be doing a great kindness at a very small inconvenience. To those square-gardens which are still used as pleasure-grounds by the occupiers of the houses I do not refer, but only to the disused square-gardens of which there are many.

Let us imagine what London would be with her squares turned into pleasant gardens. Take a walk round them, and observe their desolation now, rarely any flowers, little care taken of the trees, no human being inside the imprisoning fence. We will suppose that the owners of a square resolved to sell the garden, or hand it over to the Board of Works some August when they leave their houses after the season. What a transformation would take place before the next summer! The spiked railing and the smoke-dried privet (the privet hedge is the leading feature in square-gardening) would have vanished, and in place thereof should be a low balustrade, or an edging of rustic iron, such as is used in Paris, or even a stone coping; and inside would appear soft green turf, trim walks, and radiant flowers, and the old trees would throw shadows over pleasant seats; and men and women, some weak and some weary, would be resting there, and little children would be playing about, and the joyful sound of their young voices would be heard above the hum of passing traffic; and the householders would find out that their generous act had indeed the 'quality of mercy' which 'blesseth him that gives and him that takes,' for, turning to their own windows, they would find the view all cheerfulness over the dainty garden, no longer shut in by inpenetrable spikes and dreary privet.

I have still another suggestion. Even where square-gardens cannot be opened, could the owners be prevailed upon to improve those precious bits of open space, so that they might be pleasant to look at? Anyone who knows Paris, and has seen the square of the Tour St. Jaques, or the Square du Temple, or the Square des Batignolles,[1] can imagine how beautiful Grosvenor or Portman Squares might be made; but the spikes and the privet must go, and a slight wire fencing (which could be made to protect the garden from intrusion more perfectly than any strong iron railing) would let trees and flowers and grass be seen by the thousands who pass by. Lincoln's Inn Fields

[1] See Robinson's 'Parks, Promenades, and Gardens of Paris.'

Digitized by Google

is the largest square in London. The houses are offices, occupied in the day and absolutely deserted in the evening. Here surely the experiment might be tried of letting the public in—at all events on Sundays and holidays and summer evenings. Have the trustees ever watched the groups of children gazing through the railings with longing eyes at the Eden within, and can they refuse from year to year to let the children enter?

It may be asked what security have we that these places, if thrown open, would not be taken possession of by dirty roughs, who would destroy the gardens and be a nuisance to the neighbourhood? In answer, I would point to Leicester Square, which is often thronged with working people. The best defence of property is publicity; no shutters baffle the burglar like the unguarded windows and the 'bull's eye;' and a square without railings would always be under the eye of the police. In America and on the Continent public gardens are supervised without any difficulty, and we may be quite satisfied that the authorities would be equal to the regulation of a few additional open spaces in the metropolis.

It may perhaps be assumed that London, with her royal as well as her people's parks, is better provided with open spaces than provincial towns. The Thames is certainly a great air artery and a source of never-ending enjoyment to the Londoner; but for recreation ground we have but an acre for 1,101 persons (less than several provincial towns), and there are very few neighbourhoods where there is any land that it is possible to convert into another park. In Paddington, however, there is still time to save nearly 100 acres from the builder. The land is adjacent to Kilburn and Maida Vale, and is surrounded on all sides by an ever-increasing population which is practically out of reach of any park or recreation-ground.

At this moment a great petition[1] is about to be presented to the Board of Works from Paddington and the adjoining parishes, praying the Board to secure this land, the remainder unbuilt over of the so-called Paddington Estate. The ground is now surrounded, within a radius of a mile, by nearly 100,000 people, whole districts in Kilburn and Queen's Park Estate being inhabited exclusively by the artisan class, far removed from amusements of all sorts, indoor or outdoor. It would be particularly appropriate that the Paddington Estate should be restored to public uses, forming as it does part of the lands left long ago to the parishioners of Paddington. How the parish lost the property, and the See of London acquired it, and how

[1] This petition was presented to the Board on November 8, signed by 18,000 persons.

Digitized by Google

two-thirds of the interest of the land was transferred into private hands, is veiled in obscurity; but it is clear enough that the time has come when the land should be restored to the parishioners as a public park. It will be at a heavy cost, as the land is no longer agricultural but building land; but here even a great expenditure would be an act of wise economy, for this land is precious above measure as a reservoir of fresh air, and the loss to the district would be irreparable if these ninety-four acres of meadow, with a few fine trees still standing, were to be built over.

A clergyman in the vicinity writes: 'I feel intensely the need of a park in this neighbourhood. I have observed children in great numbers all this summer climbing the hoarding six feet high, with turned-in nails along the top, in order to get into the churchyard and a large piece of adjacent ground covered with weeds, and I daily watched their delight in playing there, and gathering the grass and flowers; and though they did considerable damage to the trees in the churchyard I could not feel angry, knowing it was the only available refuge from the hot and dusty streets where they could play in an unrestrained way, *fearless of being run over.*' Such is the want of open spaces even in a suburb of London. About a mile farther from town there is another estate in the market, Brondesbury Park, and people are asking all round, Cannot this be bought for a recreation-ground?

The ideal public park is a home park turned to public uses. If there is a house so much the better. It will serve for a museum and for picture exhibitions, or for concert rooms,[1] and be useful in many ways. The spick and span gardening of the Corporation landscape gardener will never come up to the grounds of a country house with fine trees and lawns, terraces and conservatories; and there should be some 'meadows trim, with daisies pied,' and shady walks and rockeries; borders filled with the flowers poets sing of, shrubs and flowering trees, 'laburnum dropping wells of fire,' 'syringa ivory white,' not all kaleidoscope beds of expensive pelargoniums and the like, which have none of the fragrance and lack much of the grace of our homely English plants. And the ideal park must have bathing pools that will freeze into safe skating-ground in winter, and be safe boating ponds in summer; and there must be cricket grounds and space for active games of all sorts; and there should be a café inside the gates to combat the inevitable alehouse outside. And, above all, there should be music; not

[1] See Professor Stanley Jevons' article on 'The Amusements of the People,' in the *Contemporary Review* for October, 1878.

Digitized by Google

music at chance times, given by any band which offers; but a regular park band, paid by the authorities or by subscription, to play outside or in the music pavilion, as Professor Jevons has suggested in the *Contemporary Review*. It is possible still to use a judicious economy in the management of parks. The cost of maintenance varies from 12*l.* an acre at Liverpool to 29*l.* in another northern town.

The Legislature has done wisely in making it easy for the private donor to give the most precious of all gifts to a community, or to make his fellow-citizens his heirs. In these days when we have been taught to mistrust many forms of charity, and to see that others tend to create the very misery they are meant to alleviate, it is well to keep in view this outflow of true benevolence which, while it increases so largely the health and happiness of our neighbour, cannot possibly be perverted to ill uses. Private individuals have given us many of our parks, Corporations have purchased more; the Corporation of London has saved us Epping Forest. Perhaps the time may come when City companies shall set their charities flowing in this direction; but, by whomsoever the thing is done, there is no nobler work amongst all our pressing schemes for human good and human happiness, and none more needed, than the setting apart of some space of God's earth for man's lawful recreation.

Hydrogeology in its relation to Water Supply.

By Joseph Lucas, F.G.S.

THE great prominence given to the water question during the last few years is the result of a very real and pressing necessity. This necessity has induced an active competition for water, the expense of which is in itself a guarantee of the reality of the requirement. Unfortunately, however, these expenses react in such a manner as to leave country districts and villages out of the race altogether, especially as in many cases the whole burden would fall upon individual owners. These owners have too often been severely disappointed in their endeavours to obtain water under the advice of persons who were quite as ignorant of the local condition of the sources of supply as themselves, to have failed to be impressed with the need of further knowledge.

This state of ignorance of the sources of water supply is not confined to any particular class, but is indeed widely spread. It has long been appreciated by professional men, and has

Digitized by Google

never been more conspicuously shown than in the evidence brought by the best informed men in the country before the two Royal Commissions on Water Supply that sat a few years ago. These Commissions were a concession on the part of the Government yielding to pressure from without generated by the competition for water, and they may therefore be regarded as an indication of the sense of the rich constituencies. The evidence and reports published by them served to give a direction, and to a certain extent a definite shape to enquiry, which has since been followed up by one or two individuals. Since the publication of these two Reports, the water question has had no rest. Direct and indirect representations have been made to the Government over and over again, by deputations and through the public press, and in response we have had the assurance of the Home Secretary of the anxiety felt by Her Majesty's Government to adopt that course which appears to be the right one when the subject has been 'thought out.'

The failure to elicit any more practical response to these addresses has apparently induced a spirit of impatience that has led to some abortive legislation on the subject in the last two sessions. The two Bills introduced with the laudable ambition of paving the way to the execution of constructive works, and which have both passed into law, contain elements of weakness that go far to form a dead letter. Though both evince a determination to take the bull by the horns, they both begin at the wrong end. Is it likely that the landowners will consent to be cajoled by the first, or compelled by the second, to go to the expense of making reservoirs or wells, when they see no provision for the acquisition of that technical knowledge of the natural sources that has led to so many disastrous failures in the past? As is usual in these cases, the collection of this class of knowledge begins with the individual, whence it is first reflected upon the interested professions and afterwards becomes impressed upon that all-powerful minority which has been called the 'landed aristocracy.' This important body includes in its numbers the Capitalists and the Legislators of the country, so that when it once becomes stamped with an impression it is not long in transmitting it to the Government.

But there is another powerful influence that affects the landed class, and I know from an experience of six years, extending over as many counties, that this demand for water is very widely felt throughout the constituencies. The electors as a body are not yet sufficiently educated in this subject to give their demands a definite shape, but they are none the less

Digitized by Google

clearly felt. The labours of the last few years have made the subject of water supply quite as much as that of food supply, a leading one in political economy. The subject has been thoroughly thrashed out and reduced to the very small compass of a simple proposition, which has been prominently brought before the public during the present year. This proposition states the necessity of a national hydrogeological survey as the result of past experience, and the need of such a survey has been recognised by the Society of Arts and the British Association. Having regard to the deputation from this Association which waited upon the Home Secretary two years ago, the present moment would be an opportune one for giving effect to that deputation by sending another to urge upon Her Majesty's Government, among other points, the importance of instituting a preliminary survey, as a forerunner to serious legislation. A national hydrogeological survey lies at the root of the question of the improvement of the water supply of the country, and if this Association should set the stamp of its approval upon this proposition, I cannot doubt but that that representation would have very great weight with the Government.

On a Circular System of Hospital Wards. By JOHN MARSHALL, F.R.S., Professor of Surgery in University College Hospital, London.

THE chief aim of the successive efforts which have been made to improve the construction of hospitals has been the convenient realisation of certain well-understood sanitary conditions; but the views and requirements of modern hygienic science have advanced so rapidly, that principles and recommendations of comparatively recent date have often been speedily superseded. In the elaborate American Reports on Hospital Construction, edited by Joseph Billings, for the building committee of the Johns Hopkins' Hospital, in Baltimore (1876), probably the latest opinions on this subject are embodied; and to these, as fairly representative standards of authority, reference is made in the following pages.

Besides the important questions to be determined in the erection of a hospital, as to the suitability of situation, soil and aspect, it is evident that the essential considerations in the construction of the hospital itself, are those which relate to frontage, exposure to air and light, the wall space and floor space allotted to each bed, the cubic ward space per patient, the

Digitized by Google

number of patients under one roof, the ventilation and warming of the wards, the isolation of the wards from each other, the severance of the cooking places, sculleries, bath rooms, lavatories, and water closets from the wards, and, lastly, the detachment of the administrative from the sick department.

In order to satisfy the conditions demanded under these several heads, the pavilion system has been devised, in which oblong wards are disposed in separate pavilions. The parallelograms formed by such wards are recommended to be from 24 to 30 feet in width, whilst their length should range from twice to four times their width.

What I now venture to propose is the adoption of a circular form for the wards, instead of that of a parallelogram. I do not find that the circular form has been employed in any existing hospital, nor am I aware that it has ever been suggested. Separate canvas tents or wooden huts have been arranged in circles as military field hospitals (Hammond Hospital, Chesapeake Bay), and an octagonal ward exists in the Bristol General Hospital; but I believe that the idea of a circular system of hospital wards is novel. I propose here to set forth its pretensions, and invite discussion concerning them.

(*a*) As regards freedom of frontage to all quarters of the compass, a circular ward would be uniformly free, except at some small part connecting it, by means of an open, or partially open, corridor with other circular wards, or with the necessary offices and administrative buildings.

(*b*) As regards the access of light and air, a circular ward cannot be surpassed. It is strongly insisted on by Professor Jones (Billings' Reports), that 'an unlimited supply of air' to a ward 'is the cardinal consideration;' and, again, it is elsewhere stated (Oppert), that 'the worst wards are those where least air and light are provided,' and that 'a closed court with wards around it is the worst arrangement.' A circular ward is obviously the inverse of this last-named plan; and, moreover, having no blank ends like an oblong ward, its uniformly rounded exterior, receding from all adjacent buildings, would receive light, air, and wind from every direction.

(*c*) The amount of wall space, floor space, and cubic space, for each patient, in a ward of any shape, may of course be regulated by adapting the number of beds to the dimensions of any given ward; but it will be found that a circular ward, unless it be a small one, offers decided advantages in each of these respects. To illustrate this, I will take, as an example, a ward circular in shape, and having an internal diameter of 61 feet. Such a ward would give 191½ linear feet of

Digitized by Google

internal wall surface, which would afford 8 feet of wall space for each of twenty-four beds, and 9½ feet for each of twenty beds. To obtain space for access to the ward, however, two beds must in either case be deducted, so that the accommodation would be reduced to twenty-two or to eighteen beds. Nevertheless, as regards available wall surface, the circular ward has the advantage; for to accommodate twenty-two beds in a parallelogram 30 feet in width, giving to each bed a wall space of 8 feet, would require 236 feet run of wall; whilst for eighteen beds, with 9½ feet of wall space to each, 231 feet of wall would be required, instead of 191½ feet, as in the proposed circular ward. This is explained by there being no available places for beds at the ends of an oblong ward.

The total floor space in a circular ward 61 feet in diameter is 2,922 square feet, and this of course exceeds the space capable of being enclosed by an equal run of boundary wall arranged in any other regular or irregular figure. It would yield, for twenty-two beds, about 133 square feet of floor-space for each, and for eighteen beds, 162 superficial feet for each. The floor space per bed in any oblong pavilion ward 30 feet wide, in which a wall space of 8 feet is allowed for each bed, is only 120 feet; so that the advantage of the circle is clearly obvious. A few years since, 84 superficial feet were regarded as an ample allowance for each bed; but according to Stephen Smith (Billings' Reports), 120 square feet are now demanded, and for certain special hospitals a still larger space is desirable. The circular ward system affords the most economical mode of securing such a space, so far as linear extent of wall is concerned.

The amount of cubical air space for each patient necessarily follows the same rule, and would be relatively greater in the circular than in the oblong ward here supposed. Thus, the oblong ward, with 120 square feet to each bed, would give 1,800 cubic feet per patient, for a height of 15 feet; whilst the circular ward would afford, with the same height, either 1,995 cubic feet for each of twenty-two patients, or 2,443 cubic feet for each of eighteen patients. In special hospitals, any required amount of cubical air space could of course be obtained, either by an increase of height beyond 15 feet, or by diminishing the number of beds. In reference to the last point, it may here be observed that all authorities agree that the number of patients in a pavilion ward should never exceed thirty. Stephen Smith (Billings' Reports) would restrict the number to twenty. The alternative numbers proposed in the above-described circular ward are eighteen or twenty-two.

Digitized by Google

(*d*) In reference to ventilation, I venture to suggest that a circular ward would offer highly favourable conditions for the complete attainment of this 'cardinal consideration.' In contact with the air on all sides, save for about one-twentieth part of its circumference, where it would be united with its corridor or offices, and having its windows disposed at regular intervals around it, it would form a sort of facsimile of the circular tent, so efficaciously sanitary, because so completely detached and aërated. Horizontal currents of air would sweep more readily and uniformly around the external surface of a circular than an oblong building. For the purpose of natural ventilation, every such horizontal movement of the outer air would become available, from whatsoever quarter or side it came. Proper openings systematically arranged in windows or walls, and acting as inlets or outlets as the case might be, would admit air or allow it to escape on every side, the fresh air being conducted beneath, above, or between the beds. For artificial ventilation, a shaft or shafts would find a suitable place in the centre of the ward, and therefore equidistant from the circumferential inlets; such shafts might be easily and conveniently made to work by some central heating apparatus, or by some central mechanical agency. The difficulties attendant upon ventilating a long ward would disappear. Sharp draughts across the ward, down draughts on the walls opposite and relatively near to open windows, deficiency of movement of the air with certain winds, and the unequal or opposing extracting power of two or more fireplaces, would not exist.

It may also here be mentioned that the large central area of a circular ward would serve to separate patients very widely from their opposite fellow-sufferers. In an oblong ward, 30 feet wide, the distance from the foot of one bed to that of the bed opposite to it is 18 feet; in a circular ward 61 feet in diameter, it would be 48 feet. In the former case, the mean distance of the middle beds from the remainder is about 26 feet; in the latter, the mean distance of any one bed from the rest is 32 feet. The quantity of air between the patients would of course be greater.

(*e*) As to the equable warming of a circular ward, it is obvious that a central source or sources of radiating heat would present the advantage of being equally distant from every patient in bed; the warming centre would be in reality a focus; and, moreover, such a disposition of the heating apparatus would facilitate the central movement of the air for the purpose of artificial ventilation. But, probably, warm-water pipes would

Digitized by Google

have to be introduced around the circumference of the ward, a matter of as little difficulty as in an oblong ward.

(*f*) The isolation of circular wards from each other, on the horizontal plane, would be accomplished readily by long and narrow connecting corridors, exposed to the air on both sides, and open or closed, as might be preferred in particular cases. The number and the mode of connection of the circular wards themselves would also vary in different instances.

(*g*) The number of circular wards placed one above the other might likewise be varied. One floor only would be preferable for fever hospitals, for example, or in situations where ground space was of no consideration. But in towns, or on limited areas, two, or at most three, floors should be the limit. If three such circular wards as I have described were placed one above the other, a circular Ward Tower would be formed, containing either sixty-six or only fifty-four patients under one roof. I would prefer the smaller number. The severest standard (Billings' Reports) admits eighty or a hundred as the maximum allowable number under one roof, according to the nature of the cases admitted. The superimposed wards might be without direct staircase communication with each other, and might have such communication secured indirectly from the connecting corridors. The basement of such a circular ward might, of course, be constructed on dry arches—a point regarded of great importance by many—or, if partially used for dry and clean stores, might be intersected by wide and well-ventilated passages; it would furnish suitable space for heating apparatus of any kind. On the circular roof space, occupied in the centre by smoke flues and ventilating shafts, a warmed day-room could be constructed, surrounded by a glazed corridor or winter garden, with an outer walk for the exercise or recreation of convalescent patients.

(*h*) The internal administration of a circular ward, including its supervision by sisters or nurses, would be very easy. Unusually ample space would exist for dining tables and seats for the patients, smaller tables for sisters, clerks or dressers, and other conveniences. Moveable surgical tables and screens might be arranged to travel on a circular tramway. Opposite to the proper corridor entrance, a door opening into a balcony might take the place of a window. A circular ward could readily be subdivided by high or low screens or partitions; whilst the control of the lighting by day or sunlight from the outside, or by central lights from within, would involve very simple contrivances.

Digitized by Google

From its abundance of space, the curved lines of its walls, the perspective of its numerous and evenly disposed windows, and its generally diffused light, such a ward would, surely, be far more cheerful and agreeable to the eye, for both patients and attendants, than a long straight ward.

(*i*) The disconnection of all ward offices from a circular ward would be easy to accomplish. Placed outside the wards, on the corridors or elsewhere, such offices would be readily lighted and ventilated by intermediate passages or lobbies, having opposite windows. This of course would apply to nurses' rooms, ward kitchens, sculleries, lavatories, bath rooms, urinals, and water-closets.

(*j*) Lastly, the administrative buildings, the residential and official adjuncts necessary to every important hospital, including operating theatres, clinical theatres, and the out-patient and dispensary department, would be arranged in quadrangular blocks, from which the circular blocks, or Ward Towers for the in-patients, would be more or less widely detached, being communicated with only by the open or partially open corridors.

The foregoing considerations appear to me to show that the suggestion of a circular form of wards deserves attention. If the conclusions I have arrived at are sound, they at least indicate certain advantages offered by that form for hospital wards; and those advantages are in the direction of sanitary improvement, comfort, and administrative facility.

I have considered the obvious alternatives of an elliptical or of a polygonal shape of ward. The former is objectionable on account of its double centre. The latter might be easier of construction than the circular form; but, besides the fact that with the same extent of wall it would enclose a less space than a circle, there are several objections to it. Beds being placed with the heads to the flat wall surfaces of the polygon, there would be angles or corners where no beds could stand; and, besides this, the feet of some beds would be too near each other. Moreover, no windows could be introduced at the angles of the polygon, which would fall between the beds. The ward would be less neatly and uniformly fitted-up, lighted, and ventilated. The number and position of the beds could be less easily changed. There would be unoccupied, and probably dusty and comparatively stagnant, corners. The circle is the most perfect figure in every respect. For purposes of lighting, warming, and ventilation; for isolation from other buildings, and for internal comfort and easy administration, this figure is well suited; and if the covering of a given area with circular blocks

Digitized by Google

seems to be wasteful of ground space, this very condition would contribute not a little to the constant and uniform aëration of the outer surface of the Ward Towers.

As regards various details, including the difficulty and cost of construction, I gladly refer to the interesting Paper by Mr. Percival Gordon Smith, making, however, this general observation, that if the form of hospital wards here suggested be advantageous, no consideration as to difficulty or cost should, under suitable conditions, hinder its adoption.[1]

In reference to the proposal to occupy the central space of the largest circular ward with a staircase communicating from floor to floor, I may remark that this has been made by Mr. Smith primarily with a view to economy of construction; but I should much prefer to have the centre of the 61 feet ward, at least, as free as possible, and without direct communication with other floors.

I may here add that, simultaneously with the writing of this Paper on the general principles of a circular ward system, I prepared a set of sketches, to a scale, with a description showing how this system might be applied to the site of University College Hospital. These plans and elevations show four circular Ward Towers, each consisting of an arched basement, three storeys of wards, accommodating fifty-four beds, and an upper glazed exercise and day-room. The circular blocks thus formed stand at the four corners of a quadrangular site, and are joined by corridors to square-shaped administrative blocks, having the general form of a Maltese cross, and occupying the interval between the Ward Towers.

On the Increased Mortality amongst Males, at certain ages, in England and Wales. By Thomas A. Welton, F.S.S.

I DESIRE to call attention to the fact that whilst recent death-rates amongst males, up to age twenty, compare favourably with the like ratios for any quinquennial period since the registration of deaths under the present system was commenced, and whilst the mortality from zymotic or filth-bred diseases really appears to have been checked, there has been an adverse alteration in the ratio of male deaths at ages 35–65, ascribable in a great measure to increased losses by diseases of the lungs, heart, brain, and kidneys, and by cancer.

[1] This Paper is published by Messrs. Smith and Elder, 15 Waterloo Place, London, with the illustrations.

Digitized by Google

The annexed table shows the proportions out of every 100 male deaths, at certain ages, in 1851-60, 1861-70, and 1875, which were due to the above and to other causes:—

	Ages 35–45			Ages 45–55			Ages 55–65		
	1851–1860	1861–1870	1875	1851–1860	1861–1870	1875	1851–1860	1861–1870	1875
Disease of lungs	12·2	12·8	16·7	17·2	18·3	22·8	21·5	23·0	27·4
Heart disease and dropsy	8·0	9·2	10·5	10·6	11·4	12·4	13·4	13·9	14·3
Disease of brain	9·5	10·0	10·3	11·1	11·7	11.7	13·3	14·1	14·8
" kidneys	2·3	3·0	3·4	2·6	3·4	4·1	3·0	3·9	4·7
Cancer	1·4	1·5	1·7	2·4	2·8	3·3	3·0	3·7	4·3
Totals	33·4	36·5	42·6	43·9	47·6	54·3	54·2	58·6	65·5
Zymotic diseases	12·8	10·3	9·3	11·5	8·8	7·2	10·1	7·7	6·1
Phthisis	32·1	31·0	29·2	21·3	20·2	18·3	10·8	10·0	8·8
Violent deaths	9·2	9·7	9·2	7·6	8·1	7·8	5·2	5·7	5·5
Other causes	12·5	12·6	9·7	15·7	15·3	12·3	19·7	18·0	14·0
All causes	100·0	100·0	100·0	100·0	100·0	100·0	100·0	100·0	100·0

The apparent changes indicated in this table may have arisen in some measure from increased accuracy in the medical certificates showing the cause of death. But as the total losses by death at the ages stated have materially increased, in comparison with population, and as the number of deaths from ill-defined causes bore only a small proportion to the whole, no great weight can be attached to this consideration.

Of the years 1851-60, that in which the general death-rate amongst males was lowest was 1856. In the decennium 1866-75, the lowest point was touched in 1873. The following figures relate to those selected years of low mortality:—

Age	Death-rate per 1,000 males		Increase	or as 100 to
	1856	1873		
25–35	9·0	9·5	·5	106
35–45	11·9	13·6	1·7	114
45–55	16·4	19·5	3·1	119
55–65	28·8	34·0	5·2	118
65–75	61·6	70·4	8·8	114
75–85	131·0	149·2	18·2	114
85–95	280·9	313·2	32·3	112
all ages	21·4	22·4	1·0	105

At the ages under 25, the mortality was lower in 1873 than

Digitized by Google

in 1856. The deaths by those classes of diseases to which attention has been directed were—

Age 35–45	Male deaths registered		Proportion to every 100 deaths by all causes		Deaths per 1,000 living	
Causes of death	1856	1873	1856	1873	1856	1873
Disease of lungs . .	1,472	2,565	11·6	14·8	1·38	2·03
Heart disease and dropsy	1,008	1,926	7·9	11·1	·94	1·52
Disease of brain . .	1,239	1,859	9·7	10·8	1·17	1·47
„ kidneys . .	310	605	2·4	3·5	·29	·48
Cancer	172	274	1·4	1·6	·16	·22
Totals . .	4,201	7,229	33·0	41·8	3·94	5·72
Deaths by all causes .	12,721	17,267	.		11·90	13·66

Age 45–55	Male deaths registered		Proportion to every 100 deaths by all causes		Deaths per 1,000 living	
Causes of Death	1856	1873	1856	1873	1856	1873
Disease of lungs . .	2,164	3,896	16·4	20·2	2·68	3·94
Heart disease and dropsy	1,361	2,305	10·4	11·9	1·72	2·33
Disease of brain . .	1,524	2,369	11·5	12·3	1·89	2·39
„ kidneys . .	393	855	3·0	4·4	·49	·86
Cancer	352	678	2·7	3·5	·43	·68
Totals . .	5,814	10,103	44·0	52·3	7·21	10·20
Deaths by all causes .	13,223	19,328			16·40	19·53

Age 55–65	Male deaths registered		Proportion to every 100 deaths by all causes		Deaths per 1,000 living	
Causes of Death	1856	1873	1856	1873	1856	1873
Disease of lungs . .	3,147	5,502	20·6	24·5	5·94	8·34
Heart disease and dropsy	1,990	3,339	13·0	14·9	3·76	5·06
Disease of brain . .	2,108	3,415	13·8	15·2	3·98	5·18
„ kidneys . .	486	1,016	3·2	4·5	·92	1·53
Cancer	499	898	3·3	4·0	·94	1·36
Totals . .	8,230	14,170	53·9	63·1	15·54	21·47
Deaths by all causes .	15,258	22,419			28·80	34·00

These tables show that, if the registers can be believed, the

Digitized by Google

entire increase in mortality, which is considerable, is occasioned by the specified diseases.

A comparison of the mortality year by year, from 1851, when the deaths by various causes at each age were first shown in the Registrar-General's annual reports, down to 1875, does but lend confirmation to the figures already given.

I think I have now made out a case for the consideration of the medical profession, who can best say how these deaths in excess of previous experience are to be accounted for. The preservation of a greater proportion of sickly persons from death at ages under 35, would lead to a greater proportional mortality later on, when the strain of life begins to tell seriously upon those who are not 'up to the mark'; but I fear that a general deterioration in the health of our male population after 35 years of age can be discerned. It requires to be explained why the particular classes of disease mentioned have become more fatal; neither phthisis, nor those diseases which affect the stomach and liver, having increased their destructiveness in a similar manner.

I estimate that, according to the experience of the years 1856-60, and 1871-75, respectively, the numbers of a male population kept in a stationary condition by 511,745 annual births would be as follows, at the ages stated, viz.:—

Age	Population, according to experience of	
	1856-60	1871-75
0-5	2,026,254	2,030,349
15-20	1,724,129	1,760,946
25-30	1,586,128	1,623,863
30-35	1,515,387	1,543,807
35-40	1,437,345	1,453,341
55-60	1,025,893	984,550
65-70	709,768	644,954
75-80	309,728	264,475

The second of these two sets of figures shows, it will be seen, a loss at the higher ages more than outweighing the improvement in early life.

This last table would mislead, if it were supposed that the years 1856-60 represented anything like an average of the experience of the first twenty years of registration. In fact, they were exceptionally favourable. I do not think the expectation of attaining old age was quite so high for males in 1846-55 as in 1871-75; but I consider it bad enough to be obliged to say that the results for the more recent period are

Digitized by Google

nearly as unfavourable as those for the earlier one. The two cholera epidemics of 1849 and 1854 had no parallel in 1871-75, and yet, upon the whole, the chance for males of reaching the proverbial three-score years and ten seems to have but slightly increased.

Density or Proximity of Population: its Advantages and Disadvantages. By WILLIAM FARR, M.D., F.R.S.

DR. CHERVIN, in a periodical of great merit, points out the fact that Carey, Schaeffle, and Herbert Spencer have not succeeded in applying statistics to their theory of sociology. In our social science we are more fortunate. It is true that in many branches of social science we have to forego the use of analysis; but to others analysis has been successfully applied. I propose to illustrate one of these applications to-day.

The population is distributed over the face of the earth in town and country; and I will consider here some of the advantages and disadvantages of the two kinds of distribution. To do this we must, for mathematical purposes, use terms more precise than town and country; and density—usually of population—has been the term employed. For instance, the density of population in England (1861–70) was 367 persons to a square mile. This implies that England is divided into 58,311 square miles; and that on each square mile there are 367 persons. The density of population on every square mile is different, but taken in the aggregate this is the mean density.

We can conceive the mean population of England 1861–71 (21,389,245) distributed over 37,319,221 acres, or 1 person to every 1·74 acre. Thus, imagine the population distributed in the centre of circles—or rather hexagons—of the area of 1·74 acre; then every person must be a certain number of yards from his neighbour: this distance I propose to call the proximity. The proximity of the people of England—their nearness to each other—is now (in 1876) 93 yards.

The advantage of residence in towns—of proximity of people to each other—is evident. Man is a sociable animal; and naturally in his workshop meets his fellow-man. It is, perhaps, impossible to enumerate all the ways in which men derive pleasure or benefits from frequent intercourse with each other; but it is possible to determine the sum of their gratifications by an economical test. What do they give per acre for the ground on which they live in country and town? You

Digitized by Google

will find as from the country you approach the centre of the town the value of the land increases; thus it is 25*l.*, 50*l.*, 100*l.*, 200*l.*, 400*l.*, 800*l.*, 1,600*l.* per acre. Now, on what score are these additional sums demanded or given? Is it not that men derive advantages from living near to each other?

There are countervailing disadvantages to which I shall now invite your attention. The first disadvantage strikes everyone that comes from the country, and is embodied in Cowper's line—

God made the country, and man made the town.

In the country you are surrounded by fields, by trees—in hill or vale; there the breezes coming from sea, shore, or mountain have free play. The atmosphere is redolent of ozone. In the town, this is wanting. Angus Smith, by chemical tests, proves the air is different. You know that nitrogen and oxygen are everywhere nearly the same in proportion; but carbonic acid varies with the density of population, and there are exhalations—smokes—of various kinds from dead matter, as well as from living bodies. Every town has an atmosphere of its own. Nay, every street has its own peculiar atmosphere. I was going to say that every living being has its own atmosphere.

Now, this atmosphere becomes in certain proportions deleterious, and I will proceed to show that as the population becomes more dense—within certain limits—this deleteriousness is expressed by the mortality. For example, if we arrange the 619 districts of England and Wales in groups according to the rates of mortality, we find that the 18 groups follow this law; the rate of mortality increases as the density of population increases.[1] Thus at one end of the scale the deaths per 1,000 of population are 15, 16, 17; at the other end of the scale, 31, 33, and 39; the acres to a person in the corresponding districts are 12, 4, and 3; and ·01, ·05, and ·01. The intermediate rates of mortality are 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 29; the acres to a person are 4·0, 3·3, 2·9, 2·1, 1·1, 1·0, 0·5, 0·2 and ·02.

Now, excluding the London districts, about which there is some difficulty, we have seven groups of districts where the mortality ranges thus: 17, 19, 22, 25, 28, 32, and 39. In the same districts the numbers of persons to a square mile are—166, 186, 379, 1,718, 4,499, 12,357, and 65,823. Thus in Liverpool, the densest and the unhealthiest district in Eng-

[1] The mortality and the density are for the ten years 1861–1870. See Supplement to Registrar-General's 35th Report, p. cli. to clxii.

Digitized by Google

land, there were 65,823 persons to a square mile; of whom 39 per 1,000 died annually. This series of facts may be put in a different way: the nearer people live to each other the shorter their lives are. Thus, the proximity of people in 53 districts is 147 yards, the mean duration of life is 51 years; in 345 districts the proximity is 139 yards, and the mean duration of life is 45 years; in 137 districts the proximity is 97 yards, and the mean duration of life is 40 years; in 47 districts the proximity is 46 yards, and the mean duration of life is 35 years; in 9 districts the proximity is 28 yards, and the mean duration of life is 32 years; in Manchester district the proximity is 17 yards and the mean duration of life is 29 years; in Liverpool district the proximity is 7 yards, and the mean duration of life is 26 years.[1]

This is a determined law; and the duration of life being given in one set of conditions, the duration of life in another set of conditions is determined from the proximities.

$$e' = e\left(\frac{p'}{p}\right)^{\cdot 22996}; \; 35 = 45\left(\frac{46}{139}\right)^{\cdot 24}$$

applied to the districts where the mean lifetime is 45 and the proximity 139 yards, enables us to determine the lifetime where the proximity is 46 yards.

We will now draw some inferences from this law: that proximity and shortness of life go together.

(1) The question is of the highest importance to England. Every town is surrounded by circles of new houses; and at every census villages are found grown into new towns. Thus, in the last three censuses, the town population was set down at 8,990,809, 10,960,998, and 14,041,404; and to England and Wales 2,000,000 people have probably been added since the census of 1871, the greater part of whom will be found in the towns.

Now, according to our law, this should imply an increase of mortality; and no doubt such an increase would have been observed, had there not been a countervailing law in operation.

(2) The mortality was at the annual rate per 1,000 in the last three decenniads of 22·36 in 1841-50, 22·24 in 1851-60, and 22·51 in 1861-70. In the last seven years, 1871-7, the mortality was at the rate of 21·64, or ·87 per 1,000 less than in the ten years last quoted. Thus we may hope that there is a

[1] It has been found that the mean duration of life of a people (by the English and other Life Tables) is nearly equivalent to the reciprocal of the death-rate *minus* one-third of the difference between the reciprocal of the death-rate and that of the birth-rate, and the above values were determined in this way. Thus the birth-rate in the group of 53 districts was ·03022 and the death-rate ·01675; so

$$\frac{1}{\cdot 01675} - \frac{1}{3}\left(\frac{1}{\cdot 01675} - \frac{1}{\cdot 03022}\right) = 59\cdot 7 - \frac{1}{3}(59\cdot 7 - 33\cdot 1) = 51$$

Digitized by Google

Digitized by Google

FORMULA.

$$p = \left(\frac{4}{3}\right)^{\frac{1}{2}} a^{\frac{1}{2}}$$

where p = Proximity.
and a = Area to each Person.

$\left(\log\left(\frac{4}{3}\right)^{\frac{1}{2}} = \cdot 0312347\right)$

Liverpool .....

Manchester.....

9 Districts .....

47 Districts.....

137 Districts .....

345 Districts.....

53 Districts.....

NOTE.—Given the mean duration of [illegible] can be calculated approximately by the formula

Digitized by Google

reduced mortality in the last seven years; and that thus about 20,000 lives are saved annually.

(3) Thus, while the population has increased, the atmosphere has become purer; and this should encourage us to persevere in our efforts in the same direction.

(4) The law of proximity would lead us to lay down some standard, and to fix some invariable rule, that beyond a certain density, no further houses should be built on the town areas. Thus, in 23 towns of the United Kingdom, there are 38 persons to an acre; and if such was the standard, where would Liverpool be with its 102 persons to an acre; where would Glasgow be with its 94 persons; Manchester with its 84 persons; Edinburgh and Plymouth with their 53 persons to an acre?

(5) It is certain that the most effective means of reducing the mortality is to thin the dwellings in the dense parts of the towns; to abolish, under Mr. Cross's Act, all the rookeries, and not to rebuild them.

(6) Simultaneously to put a stop to much of the smoke, and to the sewage gases which are poured into the air the population breathes.

(7) The law might enact for the future that squares and parks should be left in the area of every town; as these spaces are indispensably required for the health of the population.

(8) And for the present time the whole of the available land should not be built over, but spaces be appropriated for parks wherever they can be procured. Miss Vernon's paper will throw much interesting light upon this subject. (Page 510).

TABLE I.—*Proximity of Population as shown on the Diagram.*

Five hundred and ninety-three districts of England and Wales are arranged in seven groups, in the order of mortality. The districts of London are excluded.

	Proximity of the Population (in yards)	Number of living out of which one will die annually	Mean duration of life
Liverpool	7	26	26
Manchester	17	31	29
9 Districts	28	36	32
47 Districts	46	40	35
137 Districts	97	46	40
345 Districts	139	52	45
53 Districts	147	60	51

Digitized by Google

TABLE II.—*States of Europe*, 1876.

Country	Proximity of the People		Density of the Population. Persons to a square kilometre
	Metres	Yards	
England and Wales . .	84·81	92·75	160·535
Denmark	152·45	166·72	49·683
Sweden	339·51	371·30	10·017
Austria	126·78	138·65	71·839
Hungary (1875) . . .	154·72	169·21	48·240
Prussia	124·30	135 94	74·738
German Empire . . .	120·29	131·55	79·793
Belgium	79·84	87·32	181·163
Netherlands	99·25	108·54	117·236
France	128·76	140·82	69·652
Spain (1870) . . .	186·06	203·48	33·357
Italy	111·00	121·39	93·714

The Populations used for the above Table are taken from the Registrar-General's 39th Report. With the exception of Hungary and Spain they are for the year 1876 (estimated or enumerated).

The areas were obtained from the Almanach de Gotha.

TABLE III.—*Foreign Towns.*

Town	Date at which the Population is taken	Proximity of the People in metres	Town	Date at which the Population is taken	Proximity of the People in metres
Bombay . .	1872	9·29	Breslau . .	Jan. '78	11·43
Madras . .		14·25	Munich . .	"	16·38
Paris . .	1876	6·73	Vienna . .	"	9·37
Brussels . .	Jan. '78	7·70	Buda-Pesth .	"	25·93
Amsterdam .	Feb. '78	7·40	Rome . .	"	7·60
Rotterdam .	"	7·63	Naples . .	"	11·56
The Hague .	"	15·42	Turin . .	"	9·50
Copenhagen .	Jan. '78	8·32	Alexandria .	—	17·44
Berlin . .	"	8·19	New York .	1878	10·64
Hamburg (State)	Feb. '78	33·08	Philadelphia .	"	21·02

Calcutta, Geneva, Stockholm, Christiania, Dresden, Venice, Brooklyn, and Boston are not included in the above Table, the area not being known. The area of Alexandria is given in a letter as 5,586 square kilometres, which is clearly wrong; 55·86 square kilometres has been used in the calculation.

Digitized by Google

TABLE IV.—*England and Wales, and Towns of Great Britain and Ireland*, 1878.

Name	Proximity of the People in metres	Name	Proximity of the People in metres
England and Wales	83·76	Nottingham	16·78
England and Wales (excluding London)	90·44	Liverpool	6·76
Greater London	21·65	Manchester	7·46
Inner London	9·92	Salford	11·91
Outer Ring	44·41	Oldham	14·25
Brighton	10·29	Bradford	13·50
Portsmouth	12·72	Leeds	18·18
Norwich	20·31	Sheffield	17·81
Plymouth	9·42	Hull	10·90
Bristol	10·04	Sunderland	10·72
Wolverhampton	14·62	Newcastle-on-Tyne	13·17
Birmingham	10·12	Edinburgh	9·39
Leicester	11·09	Glasgow	7·05
		Dublin	12·21

In this table the estimated populations to the middle of 1878 are used.

MISCELLANEOUS.

Mr. NORMAN KERR, M.D., F.L.S., read a Paper on 'The Mortality from Intemperance.' The author had been able to trace no reliable authority for the traditional number of 60,000 drunkards said to die in Britain every year, which was probably simply a doubling of the United States' drink mortality in 1826, on the plea that the population of Britain was then double that of America. The Registrar-General's returns showed that thirty-nine times as many persons died from alcohol in twenty years as from hydrophobia. Medical men very rarely mentioned alcohol in the death-certificate, so that the Registrar-General's returns afforded no accurate information as to the numbers dying directly or indirectly from drinking. Dr. Kerr showed, from the records of his own practice, that if every practitioner in the country had a like experience to himself, the mortality (including those who died from their own intemperance, and those who died from accident, disease, violence, or starvation arising from the intemperance of others), assuming there were 16,000 doctors practising, would be over 120,000 yearly. He added the results of the experience of twelve medical men, some in city, some in country, practice, showing an average, if spread all over the kingdom, of above 128,000 deaths annually. In giving an estimate on another basis, Dr. Kerr calculated the mortality amongst drunkards as

Digitized by Google

40,500 per annum, and the infantile mortality from the intemperance of parents and others as 65,000. Mr. Wakley's estimate for London, extended throughout the land, would give 119,000 as dying from hard drinking; and Dr. Lankester believed that one-tenth of our deaths arose from alcohol poisoning. In forming a still different estimate, Dr. Kerr put the separate items as follows:—

Dying in public institutions, from intemperance .	23,627
„ from violence do. .	11,500
Mortality among persons engaged in the trade, do. .	12,000
Infant mortality, as already determined, do. . .	65,000
Dying directly from personal excess, or indirectly from the effects of intemperance of others, among remainder of population . . .	7,873
Annual mortality from intemperance	120,000

The author concluded by suggesting that returns should be collected from 500 medical men in different parts of the country, embracing—1. the total deaths certified; 2. the deaths in which intemperance was stated in the certificate to have been the immediate cause of death; 3. deaths in which intemperance was mentioned as a secondary cause; 4. the number of deaths in which, though intemperance was not named in the certificate, intemperate habits were known to the medical man to have contributed to the death. All these returns should be divided into two classes. One class where personal intemperance was the cause of death; and the other class where death was contributed to by the intemperance of others.

Dr. Edward T. Wilson, F.R.C.P., read a Paper on 'Isolation as a Means of Arresting Epidemic Disease.'[1] He said: Various means have been suggested from time to time for checking the progress or preventing the occurrence of epidemic disease. I propose to deal with one of these, viz., isolation, or the separation of the sick from the healthy, which is applicable in every case, and in certain diseases as cholera, diphtheria and scarlet fever, offers the only safeguard we possess. The neglect of isolation at the present day, and the general ignorance respecting it, is one of those anomalies which abound in our sanitary history—and much must be done, in the way of instruction, by the Government and by the medical profession before the first principles of the system, on which its success so intimately depends, take root in the public mind. The ruins of lazarettes and pesthouses in localities where now no means of isolation

[1] See *Transactions*, 1875, p. 554.

Digitized by Google

exist, should remind us that we have gone backward in the matter, and incite us to revive some of the admirable sanitary provisions of Elizabethan times. It may be said, indeed, that this mode of meeting epidemic disease has not escaped the attention of our Government, and that ample powers have been placed in the hands of sanitary authorities for the purpose, but a very slight inquiry will suffice to prove how nugatory a permissive law may be—how stolid the resistance of sanitary bodies to a timid and half-hearted central authority. Here and there medical officers of health and others have thought out the details of isolation for themselves; here and there at rare intervals these men have been fortunate in finding sanitary authorities willing, wholly or in part, to carry out their suggestions; but what measure of assistance have they received from Whitehall? Have they not actually been driven, in some instances, to pay *themselves* for local information on essential points? Feeling that a vast mass of information was buried in local reports or remained in the possession of those who had control of isolation hospitals, I determined to communicate directly with the officers of such institutions wherever I could hear of their existence, and the result is a return from 128 hospitals for isolating infectious disease—96 of these being provided by sanitary authorities for non-paupers—15 by the boards of general hospitals—8 built by subscription—1 by a private individual—3 non-pauper hospitals in Scotland—lastly, 3 pauper hospitals in London and 2 in the provinces, to which non-paupers are freely admitted. I am of course aware that this list is far from complete, but the difficulties of the inquiry have been considerable. Strange to say, no complete list of hospitals for non-pauper fever cases is in the possession of the Board which presides over the sanitary matters of the kingdom, and I have good ground for believing that much of the information which that Board does possess is inaccurate and perhaps misleading. To Dr. George Buchanan, to Dr. Farr, and to the kindness of personal friends, I am indebted for many names on my list; but nothing short of a Government inquiry could make it certain that none of the sheds and tenements which pass by the name of fever hospitals have been omitted from the grand total of such institutions. Since the year 1866 many fever hospitals have been built, for the most part hastily, and during the panic caused by an epidemic of cholera or small-pox. In 25 instances this was distinctly stated to have been the case. Everywhere there is apparent a want of method and proportion. Hasty resolves have led too often to wasteful expenditure and only partial success. The principles of isolation are not new, and they are

Digitized by Google

extremely simple; whatever may be our belief as to the origin of infection, it is clear that the poison of small-pox, for instance, can be seized upon, surrounded as it were by a sanitary cordon, and prevented from extending to new ground in the neighbourhood. In the houses of the upper classes, especially in the country, isolation may be fairly carried out; but in towns and villages and in rural districts, an isolation hospital offers the only effectual means of separating the sick—lodgings formerly available for this purpose are no longer to be obtained. Regarding the fever hospital, then, from a high sanitary standpoint it must be acknowledged to be one of the most powerful engines for maintaining public health. It aims at preventing, not only deaths but sickness, and the evils it is specially designed to combat are gigantic, for there are at least half a million cases of illness yearly, in England and Wales, from those diseases over which isolation has undoubted control. Objections to the fever hospital, as might be expected, come from local sanitary authorities, and chiefly on the score of expense; it is not easy, however, to understand why a hospital for suppressing preventible disease should not be regarded as equally necessary with a fire-engine for putting out fire—or the police for suppressing riot. One of our periodicals recently gave a vivid picture of Captain Shaw, in his office in London, surrounded by wires which communicated with every part of the metropolis; men, horses, and engines, ready to dash off at an instant's notice to extinguish the first outburst of flame; and I could not help wishing, as I read, that a parallel sketch might some day be possible of the officer presiding over the health of that great city, sitting with ambulances and staff in attendance for the first telegraphic intimation of a case of typhus or small-pox, ready to convey it at once to a place of safety and to stamp out all traces of the disease. That may be in the future, but at the present day a mere reduction in the death-rate from zymotic disease is no mean advantage to a community, and makes itself felt in increased rents and improved trade. Watering-places should find a direct benefit in the fact that small-pox, for instance, is removed at once on its discovery, and that infection from that disease is an impossibility. If the same could be said of scarlet fever and measles, the town which made the boast would at once outstrip its rivals as a resort for the young; but even if fair fame is no object, as in some of our large manufacturing centres, it must be remembered that epidemic disease tells directly upon the rates, and that a fever that strikes down the bread-winner of a family, brings with it not only loss of labour, but, in the event of death, a permanent charge upon the poor-

Digitized by Google

rate of those who have been dependent upon his work. It is strange that the advantages of isolation have been so long overlooked by the public. Infection spreads by the most unlikely channels, and it is impossible to be armed at all points against it; our water and our milk may be boiled, but who shall guarantee that scarlet fever scales are not sent to us in our newspaper, that fever-stricken children have not been sitting on the clothes sent in by our tailor; or that the tradesman who serves us has not a moment before been at the bedside of an infected child. These are real instances drawn from my own experience. The fever hospital should be no charitable institution, but a powerful weapon in the hands of health officers and medical men, to be used primarily in the interests of the public, and only secondarily, but no less decisively, for the benefit of the patient himself, to whom a roomy and well-ventilated ward cannot fail to afford the best possible chances of recovery. Time will not allow of my dealing in this abstract with the various objections raised against fever hospitals, chiefly on the ground of their danger to the inmates themselves and to the neighbourhoods in which they are placed. I must content myself by saying that these do not appear to be supported by facts, and that isolation has invariably been considered a blessing to the community where it has been thoroughly and intelligently carried out. Who then is to provide the fever hospital, and over what areas should its benefits be allowed to extend? To take the latter question first: in the present age of rapid and constant communication, no place, however remote, can claim exemption from the attacks of epidemic disease; retired hamlets and isolated cottages are often the starting-points of the most formidable outbreaks. If, therefore, infection is to be kept in check, there must be means *everywhere* for isolating it, and no cottage in the country should be beyond the reach of such accommodation, should the demands for it unfortunately arise. Distance need not be an insuperable difficulty—still, it will be better in sparsely peopled districts to have one or two cottages devoted to isolation, than to rely, as is now too often the case, on a large fever hospital, many miles away. No doubt it is satisfactory to rural districts to boast that they are provided with accommodation for infectious disease, of having made arrangements for the reception of cases at a low rate in the fever hospital, or the fever ward of a general hospital, in some neighbouring town; but this is capable of much abuse, and the Government might do good service by instituting an inquiry, through their inspectors on the spot, as to the nature and practical sufficiency of the accommodation

Digitized by Google

existing in urban and rural sanitary districts for the isolation of infectious cases. As to the initiative in providing isolation hospitals, there can be no doubt that the sanitary authorities are the proper persons to act, and the expenses should fall upon the rates. Full powers are given by Government for this purpose, but no attempt, as far as I am aware, has hitherto been made to ascertain the extent to which these powers have been used. Out of a total of 1,614 sanitary authorities barely 300 can be described as provided against the invasion of epidemic disease. It is clear, therefore, that pressure of some kind is needed to urge these bodies to act; and even were they willing, many difficulties have to be overcome. It may be that no site can be procured for the building, or objection is made to the cost. Frightened at the large sums paid for hospitals such as Cheltenham and Bradford, sanitary authorities have been driven to make terms with boards of guardians, and to other expedients still more objectionable. Circumstances differ, however, and each district must look to providing accommodation suited to its special needs. In Cheltenham, with its large proportion of the well-to-do classes, and children of every age brought together for purposes of education, a noble institution, suited in every particular to the requirements of the town, has been erected, by the generous gift in the first instance of the late Miss Delancey, and a few voluntary subscriptions, but chiefly through the munificence of our fellow-townsman, the Rev. J. H. L. Gabell—but such instances must not be used to deter sanitary bodies who are willing to act; at the same time it is important to bear in mind that the main object in view will inevitably be missed by pitching the standard of building too low; for a fever shed, whether of wood or iron, can do only the roughest work of a fever hospital—isolation is partial, applied only to the poor, and disease lingers on with fitful outbursts, when it might have been stamped out and destroyed. Misleading ideas respecting the expense of hospitals are arrived at by lumping the whole expense and dividing by the number of beds. I have endeavoured to eliminate the error by asking for the cost of building alone, and I find that, roughly speaking, the average cost of wooden hospitals is 40*l.* per bed; for iron buildings, 48*l.*; for the smaller brick and stone buildings, 49*l.*; for cottages and altered houses, 54*l.*; and for the best brick buildings, 174*l.* per bed. The returns of furnishing from twelve hospitals give a very even average of 12*l.* 10*s.* per bed. The Paper went on to consider the diseases to be provided for, and the class of patients; arguing strongly, that if paupers were admitted they should not be as paupers, but on

Digitized by Google

equal footing with the other inmates. Infection shows no partiality, and the difficulties of proper isolation at home are much the same for both. Luxuries are not looked for at such times, and a clean airy room would, in most cases, satisfy the most fastidious, provided only that it had a homely look instead of the mean and beggarly appearance so characteristic of the present order of fever hospitals. As may be said of the lowest public-house, so is it said of these, that they are open to all classes; it is well known, however, that as regards quite two-thirds of the fever hospitals in England and Wales, no person above the working class would ever be found within their walls. Questions of site and style of building, internal arrangements, &c., were then considered; drawings of some of the most recent models, such as Darlington, Folkestone, Warrington Berkhampsted, and the Delancey Hospital being shown in illustration. As regards charges, sanitary bodies have, I fear, been slow to see their own interests in this matter, and in too many instances have aimed only at recompensing themselves for their outlay, without a thought beyond. The first object of a fever hospital has been ignored, and a prohibitory tariff has left no alternative to the working man but to remain in his own insanitary home and become a centre of infection, or removal to the workhouse and pauperisation. Like the queen wasp in a garden, the first case of infection must be got hold of, whatever the cost, and from this point of view, self-interest and true economy should suggest the propriety of maintaining, in a large and liberal spirit, all isolated persons who are not well able to support themselves. Any expenditure thus incurred should be regarded as an insurance against the occurrence of epidemic disease. Many sanitary authorities, to their honour be it said, have seen the policy of such a course. No less than nineteen have been reported to me as making no charge except to those who can well afford it, and some pay the wages as well of those who stay away from work on account of the infection in their houses. In Cheltenham, where a hospital unrivalled perhaps in completeness has been built by private munificence without one farthing of cost to the sanitary authorities of the town or neighbourhood, surely a consideration of the expense and trouble which they are spared (for the management is taken off their hands) should induce our town council to act in a liberal spirit towards such poor persons above the pauper class as may be attacked with infectious disease and consent to be isolated for the public good. My only regret to-day in connection with the Delancey Hospital is the fact that free admission is not offered to the poor of Cheltenham and its neighbourhood. It

Digitized by Google

would be a graceful memento of the visit of this influential Association, if the town authorities and the public would mark the occasion by instituting a certain number of Congress beds, to be free for ever to the infected poor. Many suggestions have been offered for amending the sanitary Acts which deal with isolation, and notably by Dr. Bond in former communications to this Association, but the time at my disposal does not permit of further allusion to them. . . . One legal requirement, however, is of so much importance, in fact so essential to the proper working of a fever hospital, that it must not be omitted—that is, the early and compulsory intimation of infectious disease. The fatal termination of a case is now usually the first warning received by the health officer that infection is at work in his district, and by that time it has probably spread in widening circles, and got almost beyond control. Voluntary information by medical men is not to be expected. They have no right to reveal a family secret, the divulgence of which might bring to their client loss of trade or temporary banishment from society. To tell it even in confidence to the officer of health might lead to interference which would be resented. Compulsory powers therefore seem demanded, and the responsibility should lie on the occupier or householder, not on the medical attendant. From what has been advanced it will be seen that the isolation system is somewhat complicated, and requires co-operation from such various quarters that one might almost despair of success. A very slight review, however, of the work actually accomplished by isolation hospitals in England would suffice to reassure any who may have doubt or misgivings, and lead them to consider what might be possible if with most imperfect materials our health officers and sanitary authorities have been enabled to achieve so much. At Hastings small-pox epidemics have twice been stamped out. At Bristol epidemics from various diseases have been arrested on many occasions. At Coventry small-pox has twice been stopped, and scarlet fever on several occasions. In Glasgow, where isolation is admirably provided for, a saving has been effected in five years of 4,450 lives and probably some 37,400 cases of illness from typhus alone. At South Shields, in a rickety wooden building, seven cases of small-pox, brought into the district by sea in two years, were successfully isolated, and no spread of the disease occurred, whereas eight years ago a similar importation not so dealt with was followed by an epidemic, in which it was estimated that 10,000 people in the South Shields Union were affected. At Oxford small-pox has been three times arrested; at Leicester twice within the last twelve months, and at Rugby twice. At Derby an outbreak, distinctly

Digitized by Google

due to the closing of the fever hospital and the consequent admission of a small-pox case to the infirmary, was speedily arrested when the fever hospital was re-opened. At Ipswich small-pox was planted within the borough no less than twenty separate times in 1877 without once getting a footing. Dr. Vacher's success at Birkenhead is well known, so also is that of Dr. Ashby in the Newark, Grantham, and Sleaford combined district. From Warrington I learn that isolation has there since last May been completely successful in about twenty-five instances. I might enumerate many more, but I must close this long list of successful grappling with disease with the record of the Delancey Hospital, at Cheltenham. The small-pox block was opened in June 1873, and during the first six months no less than six cases of the disease were imported from a distance. All were isolated, and in no instance did it spread beyond the family to which it was first introduced. Since then there have been only five fresh outbreaks, but all were isolated with equally satisfactory results. The facts respecting scarlet fever are more difficult to obtain, but there is good reason to believe that prompt isolation in the Gabell block has in not a few instances arrested the spread of that very infectious disease. Little or no difficulty has been experienced in persuading rich and poor to avail themselves of its wards. A young ladies' school at one time nearly filled the private wards—at another several shopmen from a large and fashionable establishment in the town—domestic servants, and boys and girls of the upper classes attending the various schools, have all been isolated with no less benefit to themselves than to society and the town at large. One case, the last that has been admitted, deserves special notice, where a child seized with scarlet fever in one of the most fashionable and frequented shops was promptly removed to the hospital, and no further harm resulted. In bringing this Paper on isolation to a close, I must crave indulgence for its many shortcomings and imperfections. The work of collecting information has been beset by many difficulties, and probably nothing short of a Government inquiry could arrive at all the facts. That they would be worth obtaining, has I think been shown in these pages—and I am not without a hope that the discussion of the subject of isolation to-day will draw attention to the great benefits arising from isolation hospitals, and perhaps lead to their erection by sanitary authorities, or by private effort in various parts of the country.

Mr. JOHN P. WILTON, Medical Officer of Health to the Gloucester Urban Sanitary Authority, read a Paper on

Digitized by Google

'The Registration of Zymotic Diseases.'[1] The author pointed out the necessity for the registration of non-fatal cases of zymotic disease, and the difficulty which exists of obtaining returns from private practitioners, in consequence of the desire which is felt by the general public to keep such cases secret. It proposed that, by a legal enactment, it shall be compulsory on every medical man, on the appearance of a case of small-pox, chicken-pox, measles, scarlatina, typhus, enteric fever, diphtheria, whooping cough, erysipelas, pyæmia or puerperal fever, to notify the same to the medical officer of health for the district in which it occurs, and that for so doing he shall be paid a fixed sum by the local sanitary authority. The Paper gave an account of a plan for the voluntary registration of diseases, tried during the year 1875, by the State Board of Health of Massachusets. The State was, for the purpose of inquiries, divided into seven sections, in each of which many medical men were appointed to give unpaid-for information, as to the prevalence of disease, to a registrar appointed to receive and collect such returns, which were published weekly in Boston, in a medical and general newspaper, and at the end of the year were summarised in a report of each section. The objections to this plan appear to be, that it gives only vague and indefinite reports, of but little value to the statistician, as the number of cases was not reported, information being only given of the *prevalence* of a disease, and the results are not commensurate with the trouble expended in making and tabulating the returns. The writer claimed for the plan submitted the following advantages. The returns would afford the earliest intimation of the appearance of epidemic disease. They would furnish sure data by which its violence could be determined. They would be the surest preventives of those panics which arise from incorrect and exaggerated rumours of disease. They would also be of great assistance in the course of time, in estimating the comparative violence and prevalence of disease; and lastly, they would be the best and most trustworthy evidence of the results, and of the value of the administration of sanitary laws.

Dr. Gilbert W. Child contributed a Paper on 'The working of the Public Health Acts, 1865 and 1872,'[2] the aim of which was to indicate the points in which they failed to attain

[1] See *Transactions*, 1877, p. 562. [2] *Transactions*, 1875, pp. 540, 597. This Paper is printed in full in the *Sanitary Record*, November 8, 1878.

Digitized by Google

the objects for which they were passed. These were presumably the promotion of healthy dwellings, proper water-supply, and effectual drainage (including the removal of all refuse, protection against the importation or spread of epidemic disease, and the supervision and removal of nuisances. Of all the places he had reported on during the last five and a half years, excluding urban districts, only one had been partially drained and six more or less imperfectly supplied with water by the action of the local sanitary authorities. Something had been done to check the spread of epidemic diseases, depending upon insanitary conditions, such as typhoid fever and diphtheria, but less to check those spread by personal intercourse, such as scarlet fever, measles, and whooping cough. Of the five conditions of health mentioned, the ordinary removal of nuisances was the only one reasonably well fulfilled in our rural districts. Among the reasons were: there was no power to increase the supply of houses, diminished by existing powers; and there was an absence of control over sites selected for houses, the materials used, and the workmanship, so that the same might be built on 'old tackle' in a disused quarry or gravel pit. The provisions relating to water-supply were so defective, that they were amended by Mr. A. H. Browne's Act of last session; and now they would be tolerably efficient if only they were put in force. Drainage was stopped by expense and the difficulty of determining the best plan to adopt. The existence of infectious disease was often concealed instead of being made known. There was no power to enter a house against the wish of the occupier. The power to provide hospital accommodation was permissive, and only in extreme cases could persons be compelled to avail themselves of it. Where it was unavailable there was no power to incur expense in quarantining persons in their own homes. Powers of disinfecting were permissive, and, like powers of prosecution for exposing infected clothes, difficult to work. Finally, the precautions, such as they were, were entrusted to the sanitary authority for all epidemic diseases except small-pox, against which more efficient powers were given to guardians, with different jurisdiction and officers. Legal decisions had still further weakened the law in regard to nuisances, requiring that they must be demonstrably injurious to health, and laying down that forty years' practice gives a right to continue the pollution of a stream, and that a man is without redress who plants himself near an established nuisance remote from dwellings. The principle of the law was radically vicious, and its machinery was unworkable. The permissive principle was fatal, because in the country it was a

Digitized by Google

question of rich and poor—and the larger ratepayers taxing themselves for the benefit of those who were the chief sufferers. Hence permission and duty seemed to have no relation to each other. The machinery of double government was operative. The local authorities followed at a humble distance the example of the Local Government Board, which declines to supersede or to coerce them. If all this were well known, it was time the knowledge was translated into action. That enough had been already done was only an official creed. The rights of property would not be interfered with so much as they were by the Education Act; the difference was, that affected the poor mainly, and sanitary acts, those who could resist with more effect. Our present position was untenable; if we had not done too little, we had done too much. There was now no proportion between the expense and complication of the machinery and the results attained.

Dr. Francis T. Bond, Medical Officer of Health for the Gloucestershire Combined Sanitary District, read a Paper on 'Suggestions for the Amendment of the Public Health Act, 1875.' In this Paper the author commenced by referring to the fact that although the Public Health Act had been passed barely three years, already it had been amended by two subsequent Acts. In view of the necessity which was by general consent admitted to exist, for further and much more extensive emendations than those which had been already effected, he suggested the desirability of dealing with the Act in sections, thus following the example which had been set by Mr. A. H. Browne, M.P., who had in this way succeeded in so dealing with the clauses of the Public Health Act which related to water-supply, as practically to recast this portion of it. By this means the five leading sections of the Act, which respectively included the subjects of draining and scavenging, the abatement of nuisances, infectious diseases, water-supply, and dwelling accommodation, might be successively attacked with much more chance of a successful issue than could be hoped for in any attempt to amend them *en masse*. For the amendment of these sections, abundant material existed which could be easily sifted or incorporated by the machinery for this purpose which a Select Committee of either of the Houses of Parliament offered. The remaining portion of the Act, which dealt chiefly with the administration of the law and with the organisation of sanitary authorities, was much more complex in its character, and presented much more subject for debate. In order to deal effectively with it, a comprehensive digest was

Digitized by Google

necessary in which the various provisions of the Act should be shown, not only in their relations to one another, but also to other branches of common and statute law, and to the decisions of the courts. Such a digest, which would be analogous to the admirable Digest of the Criminal Law which had been made by Sir James Stephen, was the indispensable basis of anything like a complete and consistent code of sanitary law, and without it all efforts at amending the Public Health Act must be fragmentary and incomplete.

Mr. HENRY ROBINSON, C.E., read a Paper on 'Vestry Neglect in Sanitary Matters.' After referring to the Acts of Parliament under which Vestries and other Sanitary Authorities are constituted, the writer stated that a recent investigation he had made, as to the cause of an epidemic of diphtheria, in the north-west of London, pointed to the existence of grave neglect on the part of the Vestries, and a serious amount of ignorance and apathy, on the part of the public, in matters of house sanitation. He described the now well-recognised rules, which must be complied with to ensure the sanitary safety of a house; such as trapping drains and cutting off direct communication between them and the cisterns, sinks, overflows from baths, &c. He pointed out the remarkable indifference that is displayed by householders on the vital matter of *health*, compared with the precautions taken to preserve *property*. It was suggested that every householder, before taking a house, should require a certificate as to sanitary sufficiency, and should regard this as of equal importance with one of its structural safety. The conclusion to be drawn from past experience of Vestry incapacity and neglect was that it was unsafe to leave sanitary matters to be administered solely by them, with the present entire absence of control. A Department of Health should be established, not merely with consultative functions, but armed with power to enforce the observance of sanitary regulations.

Mr. J. LLOYD ROBERTS, of Denbigh, contributed a Paper on 'Rural Water-supply,'[1] discussing the adequacy of the different sources of water-supply for rural districts. He concluded, from the cited opinions of the Commissioners, that natural springs were too few and deep wells too costly, uncertain, and troublesome. If all the objections to well waters, river water, and rainfall were to remain tenable indefinitely, a large section of the community must be deprived of water.

[1] See *Transactions*, 1876, p. 542.

Digitized by Google

The least objectionable on the score of pollution was rain water; and, with a little care, there was no reason why it should not be made of nearly equal purity with spring water. By storing it, a sufficient supply ought to be obtained anywhere. To do this for separate dwellings was only to do, on a small scale, what was done for large cities, for the lakes were but reservoirs fed by the rainfall. It was estimated—and the author went into detailed calculations—that the average rainfall on cottage roofs would supply the average consumption, and that the consumption would not increase beyond the probability of supply. The rainfall did not supply the necessary mineral constituents of water, which ought to be added artificially, or by having the source supplemented by water from pure land springs. Every roof ought to be guttered to keep walls dry, and cistern storage would cost less than wells. The rainfall was the cheapest, and might be made one of the best, sources of supply.

Dr. H. C. Bartlett, F.C.S., read a Paper on 'Poisonous and Non-Poisonous Paints and Wall-Papers.'[1] The writer said that he was astonished to find that during the last eleven years he had traced back no less than one hundred and twenty-three cases of illness attributable either to the diffusion of carbonate of lead (common white paint) or to arsenical or antimonial colouring matters in paint or on wall papers. Mr. Redgrave, General Inspector of Factories, gave in his official report 'that notwithstanding notable improvements in manufacture, there are still many grave cases of poisoning with lead.' Scientific authorities of the highest standing give unimpeachable evidence of the wide-spread and often unsuspected existence of these poisons, and of the terrible effects they so often produce without the true cause being discovered in the majority of instances. Supposing arsenic to be abolished from all dress fabrics, curtains, and paper-hangings, it will only require one more step in advance to banish salts of copper, lead, and antimony, from the matters with which these materials are dyed or coloured. The Schweinfurth green paint, almost universally applied to the ordinary green Venetian blinds, dries in the sun, until clouds of arsenical dust are thrown off every time the blinds are sharply pulled up or let down. Worse than all are the poisonous white-lead pigments, which have more to answer for in the total category of ailments which afflict civilised humanity, than has ever yet been appreciated. He

[1] This Paper has been printed in full by the author.

Digitized by Google

would suggest that, for the interior of dwellings, no more white lead shall be used as the basis of oil paint, but as a substitute, zinc sulphide, or rather oxy-sulphide, to render the nomenclature more accurate, the physiological effect of which upon animal and vegetable tissues is decidedly antiseptic. It has a highly preservative action in protecting wood from decay, withstands chlorides of all kinds, including sea water; is not affected with sulphurous acid, sulphuretted hydrogen, or ammoniacal gases, and may be submitted to a great heat without blistering off the iron, as lead paints invariably do, and it complies with the sanitary condition of being perfectly free from poisonous effects.

The 'ANNUAL REPORT OF THE JOINT COMMITTEE ON STATE MEDICINE' of the British Medical and this Association was taken as read. The Report set forth that a memorial had been presented to the President of the Local Government Board expressing a strong opinion that the constitution of local government districts, and the present anomalous condition of their boundaries in relation to the carrying out of sanitary measures, offered serious obstacles to good local government; and the memorialists hoped that the Bill on county government, if re-introduced, might be so altered as to provide for a re-arrangement of county boundaries, especially in cases where local districts include part of more than one county, and where physical circumstances, with relation to drainage and water-supply, require an alteration of existing limits. They also urged that the County Board should be a representative body having full powers to administer joint institutions, to execute joint works, to exercise control over all local authorities, and when necessary to join with adjacent counties for purposes affecting the interests of both. The Committee also presented a memorial to the Lord President of Council, in which they showed the desirability of opportunities being given to medical men to obtain registerable qualifications for the performance of certain public duties included under the head of State Medicine; and recommended the granting of certificates of competency, as qualifications in State Medicine for medical appointments in the public health service. The Committee had ordered an inquiry to be addressed to all extra-metropolitan medical officers of health, as to the mode of reporting the sanitary condition of their districts.

Digitized by Google

ECONOMY AND TRADE.

BORROWING POWERS OF CORPORATIONS.

What are the Economic Principles which should Regulate the Borrowing Powers of Local Corporations?[1] By JOHN GOODIER.

IT is necessary in considering this question to ask first of all, if the statements as to the growing indebtedness of municipal corporations are actually founded upon fact? I shall probably surprise the meeting at the onset by asserting that the data upon which many statistical tables have been founded are entirely misleading, and that the inferences are consequently wrong. As an example: in the Paper on 'The Cost of English Local Government,' read by Captain Craigie, before the Statistical Society in London, in June, 1877, the following table, showing the local expenditure of large towns, is given:—

Places	Population 1871	Rateable Value, 1875	Total Expenditure	Rate of Expenditure per head	Total debt of foregoing Authorities
		£	£	£ s. d.	£
Metropolis .	3,254,000	21,088,000	9,071,000	2 15 9	22.688,000
Liverpool	493,000	2,940,000	1,494,000	3 0 7	4,455,000
Manchester .	351,000	1,972,000	1,823,000	5 4 0	4,648,000
Birmingham .	344,000	1,284,000	592,000	1 14 5	1,067,000
Leeds . .	259,000	919,000	957,000	3 15 3	3,456,000
Total	4,701,000	28,203,000	13,958,000	3 0 0	36,314,000

Captain Craigie's comment on this table, page 278, vol. xi. of the Society's Statistical Transactions, is: 'In Table V., I

[1] This Paper, with some additional notes, has been published separately by the writer.

Digitized by Google

have tried to show, even in the five largest towns of England, how great a divergence of the apparent cost of local government is thus effected. Thus while the population of the Metropolis would appear to be governed at a cost somewhat under 3*l.* a-head, in Birmingham no more than 1*l.* 14*s.* 5*d.* per head appears to be expended, while in Manchester, where the corporation undertakes varied functions, the charge runs up to 5*l.* 4*s.* per head.'

Now anyone understanding the financial position of the city of Manchester knows that Captain Craigie's figures are entirely opposed to the actual facts. The rate of expenditure per head, instead of being three times greater, is less in Manchester than in Birmingham. Naturally anyone will wonder how such an enormous blunder can have been made. The fault does not rest with Captain Craigie—though he might have made an inquiry before making such a statement—but it rests with the blue books on which the statement was founded. The explanation is simple enough, and rather absurd to a financier. Captain Craigie confused capital and revenue, and placed in the 'expenditure' of the year the capital of the loans repaid within that year.

That is only one instance out of many which might be adduced in proof of the misleading system of blue book publication.

The indebtedness of a corporation should not be measured by the rate per head of population, for that cannot possibly represent the facts. For instance, the debt of Manchester is on water works and gas account alone more than one moiety of the whole debt of the corporation, whilst the action of those departments extends far beyond the limits of the municipal borough; and, in fact, both departments look for a considerable portion of their profits from consumers outside the limits.

It is obvious again that the same argument and principle applies to the calculation of the debt according to the rateable value of the boroughs. These arguments do not touch local boards, for they cannot extend their jurisdiction. Their action is limited within a defined area, but a municipal corporation which has the power of supplying gas and water is not limited, except by the local Act which enables them to sell; and as most enterprising corporations apply for amended powers, as necessity and demand may arise amongst their neighbours, the area is practically unlimited. Moreover, when that area, in consequence of growing demands—the pushing out, as it were, of the population of a borough to the suburbs—extends, it is

Digitized by Google

obvious that an increase of capital expenditure is required for new works, and this becomes part of the debt of the borough, and so the debt becomes apparently heavier, whilst it is in fact a remunerative investment. All these considerations tend to show that the soundness of a borough's financial position cannot possibly be proved by merely dividing the total debt by either the rateable value or the population. The value of the works of a reproductive character must be taken into account.

Take the case of Manchester as an example. The corporation has a debt of 4,644,477*l.*, but its assets in the shape of real property are far greater than this amount.

The value of the water works may be taken at three and a-half millions, the gas works are worth at least two and a-half millions, and the improvement properties and the manorial rights count for at least another million; so that there are assets in the shape of real property—properties which would readily command by purchase at least seven millions—against a debt of 4,644,477*l.*

If the soundness of the economic principles which govern the Manchester corporation is questioned, and it be said that there is no provision for depreciation of works, I may add that before arriving at this net result of the year's working there was set aside out of revenue account the sum of 25,194*l.* for depreciation of works.

The fact is the gas profits of Manchester would, if so applied, extinguish the whole debt of the city in thirty or forty years. If it is said these profits might have been for an exceptional year and that they will not last, my answer is that they have gradually increased for the last thirty years, notwithstanding several reductions in the price of gas, and, as a proof, I may give the amounts handed over to the Improvement Department during the last ten years. The following are the amounts paid over during the last ten years: 1869, 25,884*l.*; 1870, 27,821*l.*; 1871, 28,020*l.*; 1872, 30,205*l.*; 1873, 33,242*l.*; 1874, 29,809*l.*; 1875, 35,257*l.*; 1876, 39,410*l.*; 1877, 42,133*l.*; 1878, 51,996*l.*

There is no improvement rate in the city of Manchester, the cost of street improvement being defrayed out of the gas profits, and the amount so expended during the last thirty years has been upwards of a million pounds.

With regard to the growing indebtedness of local authorities, about which so much that is alarming has been written, I may say frankly that the actual figures are greater than in any analysis of the Local Taxation Returns I have yet seen published. But then, as Dr. Farr wisely observed, 'it is a

Digitized by Google

question well worthy of attention, not only what has been spent but what has been obtained in return for the expenditure,' and that important consideration, on which depends the whole merits of the question, has, it appears to me, been entirely overlooked. For instance, the increase of indebtedness in the borough of Birmingham has between 1861 and 1877 been nearly 800 per cent., whilst the Hull corporation has increased its debt within the same period 900 per cent. But then Birmingham has purchased the rights and properties of the gas and water companies in the borough, whilst Hull does not show what expenditure of a reproductive character has been incurred within the period named to account for the enormous increase of debt.

In a paper compiled from official and undoubted data which I recently submitted to the Manchester Statistical Society I showed, selecting twenty of the largest cities and boroughs of the United Kingdom, that the average increase per cent. in the population between 1861 and the middle of 1877 was 29; that the average increase per cent. in the rateable value was 76; and the average increase per cent. in the indebtedness 180. The *Saturday Review* kindly noticing this paper said, 'We require to know for what purpose they' (the boroughs referred to) 'incurred the debts, and what they have now to show for them. The writer of the paper which has supplied us with these figures does not attempt to give this information for the twenty cities and boroughs whose finances he has analysed. There exist, in fact, no published data from which it can be obtained, and to collect them for oneself would be a task of great labour.'

I now select ten of the more important places, with a view of showing some of the causes of the increase of indebtedness, and how far such increase has been affected by expenditure on works of a reproductive nature.

Digitized by Google

COMPARATIVE STATEMENT OF THE POPULATION, RATEABLE VALUE, AND LOCAL INDEBTEDNESS OF THE UNDERMENTIONED BOROUGHS AND CITIES, SHOWING THE INCREASE PER CENT. UNDER EACH HEADING WITHIN THE PAST SIXTEEN YEARS.

City or Borough	Area in Acres	Persons to an Acre, 1877	Population 1861	Estimated Population middle of 1877	Increase per cent.	Rateable Value, 1861	Rateable Value, 1877	Increase per cent.	Municipal Rates, 1877	Indebtedness, 1861	Indebtedness, 1877	Increase per cent.
						£	£		s. d.	£	£	
1 Bolton . .	1,822	—	70,395	82,853	17	168,734	351,000	108	3 6	268,300	1,635,000	509
2 Wolverhampton	3,396	21·6	60,860	73,389	20	298,785	396,623	32	4 7	64,100	399,137	522
3 Birmingham .	8,400	44·9	296,076	377,436	27	845,427	1,352,556	59	4 4	534,754	4,635,890	766
4 Nottingham .	1,996	47·6	74,693	95,025	27	232,848	450,000	93	3 3	36,130	192,127	431
5 Manchester .	4,293	83·7	338,722	359,213	6	1,203,500	2,229,186	85	3 5	2,058,743	4,644,477	125
6 Bradford . .	7,220	24·8	106,218	179,315	68	302,920	813,490	168	5 4	756,238	2,826,122	273
7 Leeds . .	21,572	13·8	207,165	298,189	43	504,885	1,033,133	104	—	588,495	3,331,056	466
8 Hull . .	3,635	38·5	97,661	140,002	43	229,692	521,000	126	4 4	44,838	441,784	885
9 Edinburgh .	4,191	52·2	167,851	218,729	30	756,902	1,389,465	83	1 6	387,245	569,999	47
10 Liverpool .	5,210	101·2	443,938	527,083	18	2,061,662	3,072,100	49	3 4	3,563,063	4,045,668	13

The Figures relating to the Population of Bolton are taken from the Census Tables for 1871, and the Registrar-General does not include this town in his report.

EXPLANATIONS OF THE CAUSE OF INCREASE OF INDEBTEDNESS.

No. 1. Bolton.—Expended on gas works, 454,970*l.*; water works, 417,860*l.*; markets, 5,500*l.*; street improvements, 125,000*l.* Total, 1,003,330*l.*

No. 2. Wolverhampton.—Includes purchase of sewage works, Town Hall buildings, public baths, &c.

No. 3. Birmingham.—Includes purchase of gas and water undertakings, and a portion of improvement scheme under Artisans Dwellings Act.

No. 4. Nottingham.—The large increase is due to extensive improvements having been made since 1861.

No. 5. Manchester.—Of the increased debt nearly a million is due to the extension of the water works, and this was necessitated by the demands of the districts whose populations look to Manchester for their water-supply, and whose wants, as private consumers, the corporation of this city are compelled to meet. It is clear, therefore, that if the borough of Manchester had an area as large as that of Birmingham, and that if it included the adjoining townships of Moss Side, Rusholme, Withington, Levenshulme, Newton Heath, and Gorton—districts really part of the City of Manchester, and necessarily populous owing to the circumscribed area of the borough and the

Digitized by Google

demand for warehouse accommodation within it—the increase of the rateable value would be much greater than the increase of indebtedness. All these townships, again, use the new Town Hall—the cost of which is another item in the last-named increase—for business purposes connected with the gas and water works. It is, consequently, clear that no just comparison can be made unless it is accompanied with the capitalised value of the remunerative works. Hence it is an error of statists—into which even Messrs. Rathbone and Whitbread have fallen—to measure the indebtedness of a borough by its rateable value. The fact is, excluding the strictly remunerative works, the debt of the Manchester corporation, *including the debt for the new Town Hall, is only* 852,000*l.*, and it is no exaggeration to say that the financial transactions of the Manchester corporation are not surpassed, even if they are equalled, by any other borough in the United Kingdom.

No. 6. Bradford.—Expended on gas works, 341,571*l.*; water works, 1,461,454*l.*; cemetery, 12,000*l.*; baths, 7,700*l.*; street improvements, 674,617*l.*; markets, 150,383*l.* Total, 2,647,725*l.*

No. 7. Leeds.—Expended on gas works, 895,959*l.*; water works, 980,100*l.*; improvement (markets), 145,538*l.* Total, 2,021,597*l.*

No. 8. Hull.—Expended on water works, 117,937*l.* No explanation given of rest.

No. 9. Edinburgh.—Increased debt due to improvement of markets and slaughter-houses.

No. 10. Liverpool.—It will be seen that this borough had a large debt already in 1861. As is well known, the corporation possesses real property to a large extent, and the debt has not been greatly increased of late years.

The table shows that whilst the rateable value of Birmingham has increased 59 per cent., the increase of indebtedness is 766 per cent. within the same period. The rateable value of Hull increased 126 per cent., but the increased debt is 885 per cent. Bolton, Wolverhampton, Leeds, and Nottingham have each an increase of indebtedness of upwards of 400 per cent., whilst Manchester, as already stated, is only 125 per cent., notwithstanding its large assets.

The table furnishes other contrasts for reflection. The value of the assets of each corporation, so far as this reproductive expenditure is concerned, must be measured by the date of the purchases of such undertakings as gas and water works. The Manchester gas works, for instance, were established by the ratepayers in 1824, and the Manchester water

Digitized by Google

works and the manorial rights were purchased thirty years ago, whilst the Birmingham purchases have only recently been made, and the companies of course took care to obtain the full market value. The value of such works at Birmingham or wherever else they have been recently purchased may therefore be assumed at the price given, but in Manchester they have been so improved and extended in the course of long possession, that the original cost bears only a small proportion to their present value. And on this point I may note—what is not the case with other corporations—that the Manchester corporation not only owns the gas and water works and the manorial rights, but it is also the Burial Board authority for the city, and it has recently acquired by purchase the public baths and wash-houses. The large expenditure incurred by the Health Committee in improving the sanitary condition of the city is well known, and this expenditure with all others except the gas and water are included in one rate—the borough rate.

Could anything be more financially absurd than the statement that 'the aggregate indebtedness of the Metropolis for sanitary and municipal purposes' is thirteen millions, and then to contrast that debt with manifest disadvantage to the credit of municipal corporations, with some of the richer boroughs which possess gas and water works, without taking into account the assets in reproductive expenditure? To say nothing of the omission of the City of London debt—five millions odd—what contrast could justly be made under present circumstances? To make one at all reasonable and fair, should be added to the metropolitan debt (eighteen millions) the market value by purchase of the London gas and water companies—say thirty millions at least—and then there would be not only a greater debt than Manchester in proportion to the rateable value and *minus* the old riches and accumulation of capital for thirty years, but also—very inferior gas and water; and a great deal more money would have to be spent to make either as good as in the northern city.

LEGISLATION AND OFFICIAL AUDIT.

If it is supposed there is any alarming increase of indebtedness and that a Government Audit is proposed I venture to ask:—What could be better than the present system as regards municipal corporations if it were faithfully worked out? The Municipal Corporations Acts provide that two auditors shall be appointed annually by the ratepayers, and one by the mayor

Digitized by Google

to examine and audit the borough accounts. All these three gentlemen in Manchester—and I presume it is so in other towns—are, and have been, men of position and character and unsullied integrity—men who would not lend themselves to a 'job' for any consideration whatever, and they are at all events men who by training and commercial pursuits are skilled in finance.

There is already Government auditorship in local boards, boards of guardians, &c., and what is the result? Surcharges, endless correspondence, remonstrances, replies, explanations, waste of public time and public money according to the idiosyncrasy of the inspector, till it culminates in a final letter that the Local Government Board have thought fit to 'remit the surcharges'—that is, in other words, that a permanent official sitting at his desk in Whitehall is tired of the subject—that he has vindicated his office, and does not want to be bothered any more, and that he advises his superiors accordingly! What does the permanent official know or what can he know of the various reasons for any particular expenditure? Who has to pay? The ratepayer! What are the councillors elected for but to represent him and to control the expenditure? All that the ratepayer wants is to have a full published statement of accounts, to know how particular members view the questions brought before them as they learn from the local newspapers, and to decide upon his judgment at the next election. The ratepayers have a right, under the Municipal Corporations Acts, to examine at all reasonable times the books of a corporation, and they have a right to and can demand to be supplied with, under the same Acts, a copy of the accounts of the treasurer of the borough at a fair and reasonable price.

The Report of the Local Government Board (1876–77) illustrates and in my opinion justifies what I have just written: 'During 1876 the Board received no less than 1,003 appeals against decisions of auditors; in thirty-nine cases the auditors' surcharge was confirmed without remission; in 850 cases the surcharge was confirmed and remission granted; in eighty-six cases the surcharge was reversed; in twenty-four cases the disallowance or surcharge was discharged; and in four cases the auditors' certificate was in effect null and void.'

When Government auditorship is proposed one may well ask, *Cui bono?* How came it that a Lancashire local board exceeded its borrowing power 200 per cent.! What was the value of the audit, and what protection to the investor is given? The fact that local boards have to pay in all cases a higher

Digitized by Google

rate of interest than municipal corporations is evidence enough of the feeling entertained by business men. I do not attempt to deny that in some cases the published accounts of boroughs might be improved, but the Government has a right by existing Acts to demand that such returns shall be made in such form as it thinks proper. The accounts of a municipal borough should be, as is the case in Manchester, published in one volume annually, to whatever the date of the several departmental accounts of the borough are made up, and this annual statement should comprise a summary of the receipts and expenditure within the financial year on all accounts. That is the law, and every ratepayer is entitled to demand a copy of the accounts 'at a fair and reasonable price.'

Representations made on behalf of the Corporation of Manchester satisfied the Chancellor of the Exchequer on the introduction of the Local Loans Act, 1875, that the Bill as introduced had been framed without due consideration of the practice and requirements of the larger corporations, such as those of Manchester, Liverpool, Birmingham, Leeds, Bradford, and others, in regard to their financial transactions, and that its passing would not only involve such corporations in greater expense in the keeping of their books, and unduly harass and restrict them in their financial operations, but would also drive away from corporations the present class of investors, raise the average rate of interest to be paid, and thus entail as the consequence an actual *increase of local taxation.*

It only remains to write the epitaph upon the Local Authorities Loans Act of 1875 as passed, for it is already a dead letter. The only corporation of any consequence which uses it is Hull—but we have heard enough of *their* financial management. It is true Leeds *did* adopt it, but it is equally true that the corporation of that borough have obtained a private local Act, embodying the principles and imitating the Manchester Corporation Consolidated Stock.

I suggest that as the Chancellor of the Exchequer is the Finance Minister for Imperial taxation, so there ought to be a Minister of Local Finance. The Local Government Board is already over-burdened, and should be left to deal with remedial measures, such as rivers pollution Acts, the cattle plague, the incidents of poor law and pauperism, sanitary regulations, public health, and other measures conducive to the comfort and welfare of the people.

Municipal corporations adopt, as a rule, the principle of borrowing money for terms of years on mortgage of the borough

Digitized by Google

rate, but the practice, though convenient in some respects, is inconvenient in others. The Manchester Corporation adopted, in 1872, the Debenture Stock principle, which is really a consolidation of mortgage securities. Other corporations,—for instance, Leeds, Birmingham, Bradford, and Wigan,—have followed the example thus set. An explanation of the Stock principle is appended to the present Paper. The Metropolitan Board of Works has recently obtained an Act authorising the issue of a form of local exchequer bills, but there are grave doubts as to the financial soundness of such a policy. The great objection to borrowing for terms of years, say three, five, seven—the usual terms—is that if any considerable loans fall due when the money market is unfavourable, an increased rate of interest has to be given for reborrowing or renewing. These objections are removed by consolidating the mortgages on opportune occasions. It is a fact, and one amply demonstrating the confidence placed in municipal authorities, that a high bank rate does not cause a corresponding increase in the rate of interest required to be given by corporations. The result is rather the other way, and the fact must be accounted for by the sense of security investors have in times of financial panic in established institutions. The fact applies from my own observation and information generally to all well-established municipal corporations.

Having, as I hope, proved, so far as regards municipal corporations, that the increase of indebtedness is due almost entirely to works of a reproductive character, we have now to consider the general borrowing powers of local corporations.

Municipal corporations, as a rule, exercise their borrowing powers under special local Acts, except on sanitary works, and the Bills when brought before Parliament are subject to a strict and rigorous supervision. The Parliamentary Committee requires to be satisfied of the expediency of the proposed enactments, and any proposition for an increase of borrowing power has to pass the scrutiny of a tribunal perhaps the ablest and most impartial that could be devised.

Local boards, on the other hand, must adopt the provisions of the Public Health Act, 1875, the principal of which are 233 and 234.

By the Act the limit of borrowing powers for sanitary works is twice the amount of the rateable value for one year. In ordinary works—such as drainage—no doubt this is a reasonable limit, but in the purchase of reproductive works, as gas and water, it would be quite inadequate, and in such cases the

Digitized by Google

value of the proposed undertaking ought to be taken into consideration without regard to the rateable value of the district.

There should again be some fixed rule as to time of repayment. Sixty years is right enough in great undertakings such as a grand and comprehensive water scheme, but it would be too long a time for an ordinary scheme of drainage in a rural district.

No one can dispute that the gentlemen representing the Local Government Board are most zealous and painstaking in their inquiries, but they are frequently baffled by want of local knowledge and the rival politicians on the board itself when inquiring into any proposed plan. One section of a board—I write from actual knowledge of districts near Manchester—will seek power to have a loan for private improvements, whilst another section of the same board will throw every obstacle in the way of such a proposition. It then becomes a question: Shall the local board borrow money for purposes that are called 'private improvements'—the paving and sewering of new streets and passages—and allow the apportionments charged upon the owners of property to be repaid by easy instalments? or shall the board, in the exercise of an arbitrary power, proceed to do the work after due notice, and insist upon immediate payment of the apportionments from the owners of property interested? Shall, also, the principle be followed by charging public improvements out of the current rate, or shall the expenses be spread over a number of years?

I deprecate any interference with local boards which insist upon due compliance with sanitary requirements; but submit that an owner ought not to be called upon to pay immediately the whole of the expenses of an improvement which is calculated to last a generation. At the present time, when the bank rate is very high and money is scarce, it is a sheer injustice to order street improvements and compel payment in a lump sum. By allowing property owners to repay, say in ten years by instalments with compound interest, you secure not only the willing co-operation of the owners, but you satisfy the strict requirements of justice. The saving tradesman is thus enabled to meet the current claims upon him, whilst the capitalist is enabled, if he think fit, to extinguish his liability at once. The same argument applies to the payment of public improvements by the present ratepayers as against a fair division of the cost over a series of years.

I am no advocate of centralisation. I think the powers of the Local Government Board are far too extensive, and that it meddles and attempts to rule matters not within its legitimate

Digitized by Google

domain, but there is no question that it is an excellent buffer between owners and provincial local boards on the one hand, and occupant ratepayers on the other, and that it might wisely use its octopus powers by inquiring into the general acts of the boards acting under its direction. From whatever cause —though, no doubt, the cause really is the absurd and universally condemned system of election—ratepayers generally take little interest in local boards, and it is scarcely to be wondered at, considering the results. The boards should have a more independent action—have, in short, liberty to move and exercise their judgment within legitimate control. At present they are too restricted and narrow. The restriction also as to the investment of the sinking fund is most injurious. Why should a local board be compelled to invest in securities bearing only 3 per cent. when trustees are empowered to invest in East India Stock, and the Court of Chancery has, on several occasions, authorised trustees to invest in the Manchester Corporation Stock bearing interest at 4 per cent.? Local boards are swathed and bound too much by red tape.

The question also as to a sinking fund opens up a rational inquiry into the financial prudence and justice of the sinking fund theory. Suppose a local board contracts a debt of 20,000*l.* for private improvements with the approval of the Central Board, and that the repayment is fixed in twenty annual instalments of 1,000*l.* each. Well, suppose—and the case is quite frequent—the market is favourable. Bankers and prudent business men will not lend upon such terms except at an increased rate of interest, for how can they use the annual instalments as they become due. On the other hand the Board might against 4¾ per cent. in the first case borrow the whole 20,000*l.*, repayable at the expiration of twenty years in one lump at 4¼ per cent., but then by the Government rules they are compelled to set aside 1,000*l.* a year in 3 per cents., so that the actual loss of interest is greater, and by consequence an increased burden is entailed upon the ratepayer in the shape of taxation for the current year. The remedy is simple enough: Let the local board borrow for 5, 10, 15, or 20 years in sums of 5,000*l.* each, and arrange its own banking transactions, or let it invest the annual sum according to its judgment. If its judgment is worth nothing it is of no use as a board. Depend upon it, however, the ratepayers would see that its judgment *was* worth something, and they would take more interest in its action if the board had more liberty of thought and action. Then again—and this I venture to forcibly impress because the investor's interest has to be

Digitized by Google

considered—notwithstanding all these apparent safeguards *there is no security under the present system*, and the bonds of a local board which has exceeded its borrowing powers are, so far as that excess is concerned, *legally valueless*. This you will agree should not be.

I now venture to make one or two suggestions.

Local corporations—and more particularly municipal corporations—have, I think, a right to ask as far as possible the assistance of the Government in their monetary operations, and especially when great sanitary works intended for the benefit of the people are undertaken. It is a question indeed, considering how intimately the system of local government is identified with the laws and customs of the country, whether municipal corporations would not be justified in asking the Government to guarantee loans for great public works which have obtained Parliamentary sanction. Apart from that view the *Pall Mall Gazette* has shown how the Government could assist corporations whilst benefiting themselves. In an able leading article of that paper on April 30, 1874, headed 'The Bankruptcy of the Savings Bank,' it was shown that the deficiency on the receipts from the trustees of the old savings banks and certain friendly societies in the hands of the National Debt Commissioners was 4,382,000*l.*, and that this loss was due to the fact of the Commissioners investing in certain approved securities, and receiving interest at a lower rate than that they paid, and it was pointed out that if amounts were transferred from the Three per Cents. to some first-class debentures or India Stock a gain, instead of a loss, would accrue. In the return recently published, the amount owing by the Commissioners is said to be 44,618,155*l.*, whilst the deficiency is only 3,120,219*l.* In other words, the debt has increased and the deficiency is reduced. Turning to the Parliamentary Return (No. 61, 1878) it will be found that the deficiency is arrived at by calculating the value of the securities at the market price of the day—November 20, 1877—and thus the 3*l.* per Cent. Consols are valued at 96½, and of course the other securities on equally favourable terms.

The total amount in the hands of the Commissioners amounts to forty-four millions—say, one-third of the debt of all the municipal corporations in the United Kingdom. Why cannot the Commissioners distribute this amount to the several corporations on loan at 3½ per cent., or even at 3¾ or 4 per cent., and on such terms and conditions as will enable them to meet any sudden call, and thus (1st) avoid the annual loss, which is said to be nearly 125,000*l.* per annum, (2nd) encourage

Digitized by Google

in a sound financial manner loans to local authorities for public purposes, and (3rd) enable the savings banks to raise the rate of interest on deposits over a given amount, say 50*l.* or 100*l.*, and issue debentures for terms of years at 3¼ per cent. on Government security? This would give the holder a direct interest in the Government or national securities, and make him in the position of the holders of French rentes. It is easy to see that besides a powerful encouragement to investment in the thrifty and non-speculative section of the really working classes—domestic servants, farm labourers, members of benefit societies, and others who usually invest in trustee savings banks—such a plan would tend in no little degree to the political education of those classes, inasmuch as it would give them a direct and personal interest in the Government.

Of course if any large amount were placed on the market at once, the value of the Government securities would be materially affected, and it is only suggested that the course might be gradually adopted, and, to begin with, that the annual amount next set aside should be so applied. It is easy to see that the result would be an increase at once in the annual interest.

With regard to the Blue Books, it is at once apparent that the present system is very imperfect. The loans received and repaid, for instance, should never be confused with the current accounts of the year. It should be clearly shown by a summary what is owing by every municipal corporation and by each borrowing authority. This is not so, and hence the confusion amongst writers upon the subject. The Blue Books should be revised and printed upon an entirely different system.

In conclusion, I may say that 'the economic principles which should regulate the borrowing powers of local corporations' are discretion, sound judgment, and integrity. These principles, I unhesitatingly assert, will be found in the actions of all the great municipal corporations, and the local boards only require to be cut free from their swaddling clothes to be placed in time in a like position.

DISCUSSION.

Mr. E. T. Brydges (Town Clerk, Cheltenham) spoke upon the subject with some diffidence, as the Corporation of Cheltenham, with which he was connected officially, had been but newly constituted, the charter having been obtained in 1876 only; but he had acted as clerk to the former governing body, viz., the Cheltenham Im-

Digitized by Google

provement Commissioners, an experience which extended over some ten to twelve years. Before discussing the general question, he must express his regret that the Paper contained such strictures on the Local Government Board, and upon the conduct of the officers in that department. So far as his experience went, he could not concur in them. He had conducted several inquiries held before Inspectors of the Local Government Board, and had had many communications with the department in London, upon various subjects; and on all occasions he had been treated with every courtesy and consideration. The officials with whom he had had the correspondence, whether it related to the public business of the town, to the borrowing of money, or to suggested amendments in various Acts concerning local government, had invariably taken the greatest pains, and given all necessary attention to the matters brought before them. He thought their advice and direction must be of great value to small governing bodies and local boards. The chief remedy for the complaint made by Mr. Goodier would be the extension of the areas of local boards, which would lead to a more economical administration. As matters stood, the great number of small local bodies overwhelmed the Local Government Board with work; and probably caused delay and prevented the officials, in some instances, from giving sufficient attention to the representations made to them. With respect to Mr. Goodier's remarks as to borrowing and reborrowing, his objection to borrowing for short terms of years, say three, five, or seven—the usual terms—viz., that if any considerable loans fell due when the money market was unfavourable, an increased rate of interest had to be given for reborrowing or renewing, appeared to be answered by his own statement that, 'a high bank rate did cause a corresponding increase in the rate of interest required to be given by corporations.' The latter position was confirmed by their experience in Cheltenham. The Corporation had recently purchased the waterworks; and, in order to pay a portion of the purchase-money, they had to raise a loan of between 80,000*l.* and 90,000*l.* They were told that the money market was tight, and that no money could be got under 4¼ per cent.; but, upon issuing notices locally that the Corporation were prepared to accept loans for five, seven, or ten years at 4 per cent., the loan was more than fully subscribed in a very short time. The lenders were so satisfied with the security, that they would doubtless allow their loans to continue in the hands of the Corporation for a longer period than they at first intended. The Corporation preferred to borrow in that way to taking the money up in larger sums, as it gave to local investors an interest in the affairs affecting the town, and formed, in fact, a sort of superior savings bank, for the security was as good security as could possibly be obtained. The investors could always satisfy themselves, by referring to the register of the securities, that borrowing powers were not exceeded. Therefore, he could not concur in Mr. Goodier's opinion, that there was no security under the present system. He believed that the assertion that the Local Loans Act of 1875 was already a dead letter, was not strictly correct; but that Hull, Leeds, Blackburn, and several other large local bodies had

Digitized by Google

adopted it. There was one advantage in borrowing under the Local Loans Act, viz., that trustees authorised to lend on railway and other companies could lend on loans issued under it. He had tried to get a similar clause inserted in the Corporation Water Act, which incorporated the mortgage clauses of the Commissioners Clauses Act, and the Local Loans Act. But Lord Redesdale objected to it, and it had been refused in other cases, unreasonably as he ventured to think. The term of repayment of borrowed money should depend on the purpose for which it was borrowed. Ninety years was the time now usually allowed for waterworks: these were renumerative undertakings, and must necessarily exist for a long time. In regard to gas, science had made considerable progress of late, and it might hereafter be superseded by the electric light; but no substitute could be found for water. Ninety years could hardly, therefore, be considered too long a period for repayment. The assertion that a local board was compelled to invest in securities bearing only 3 per cent. was inaccurate, as there was in the Local Loans Act a clause which empowered local authorities to invest in their own debentures, or sinking fund, if the Local Government Board gave permission to do so, and there was no reason why they should not do so. With respect to borrowing money for private improvements, Mr. Goodier submitted that owners of property should not be called upon to pay, in a lump sum, for the paving and sewering of new streets and passages, where the improvements were calculated to last a generation. The practice observed in Cheltenham was for the layers-out of new streets to properly form in the first instance, and they were called upon to complete them before the streets were taken to.—[The CHAIRMAN (Professor Bonamy Price): That is what we do at Oxford.]—He could not speak of any general application of the same principle elsewhere, but undoubtedly local boards had power to order the money to be paid either in one sum or by instalments. It was a power they ought to have. Where a new street was laid out, and not declared a highway, it remained a private street, and was not repairable out of the rates. Whenever it became worn out by traffic, it was proper that the owners on each side of it should keep it in repair. To borrow money on all such occasions, would keep up an enormous amount of debt, and lead to confusion. It was not to be assumed that the governing body of any town would exercise the discretion (to make the money payable by instalments or by a lump sum) in an arbitrary manner. No doubt they would act fairly in the matter as representatives of the ratepayers. He quite agreed that discretion, sound judgment, and integrity were highly desirable and necessary in all financial matters, and no doubt representatives of ratepayers in most towns would exercise them. Possibly, the provisions of the Public Health Act, as to loans and other matters, might be improved, and he trusted that the necessary amendment would be made when the question again came before Parliament.

Mr. DAVID CHADWICK, M.P., remarked that the Manchester Corporation system was set forth in the Paper as if it were applicable to almost every other municipal body in the kingdom. Mr. Goodier had held an important official position in the Corporation of Manchester for many

Digitized by Google

years. As treasurer of the neighbouring borough of Salford for sixteen years he (Mr. Chadwick) was intimately acquainted with the Manchester Corporation, and the system pursued by that body was not in his opinion applicable to many other smaller Corporations. Having had the advantage of being impressed with the wisdom and good management of local Corporations generally whilst a local official, and having enjoyed the further advantage of eleven years' experience in Parliament, he could not quite agree with Mr. Goodier in his desire to have unlimited power and control vested in local governing bodies. Such bodies were as selfish as individuals would be, if placed under similar circumstances, in protecting their rights, as owners of gasworks, waterworks, or any other undertaking. Therefore, he disagreed with Mr. Goodier's suggestion if he objected to all control or interference with local boards, and especially in regard to compliance with sanitary requirements. He would go farther, and say he should very much doubt the wisdom of local boards that did not carry out the recommendations submitted to them, as to sanitary requirements. With regard to municipal corporations investing money, he should contend that Corporations generally had no right to have balances of money to invest; and it was a good rule, whenever they borrowed money in excess of their requirements, that Parliament should interfere, and say, 'You are not to borrow this money until you require it; you are not to invest in anything bearing more than about 3*l.* per cent. interest, in Consols and Government securities.' Local boards could always borrow money to be paid by instalments, when the public works required it. With wider experience, after having served on Parliamentary Committees, and acted in the position of judge in these matters, he now felt that a wise and judicious exercise of limited Government control over the expenditure of public bodies was desirable. If that control had an injurious effect, it could be subjected to the test of public opinion, and be brought under the notice of Parliament. The writer of the Paper seemed to think the powers of the Local Government Board are far too extensive, and that it interferes in matters not within its legitimate domain; but there is no question that it is an excellent resort in cases of doubt or difficulty, for all local authorities. He believed the Local Government Board had generally exercised its functions with great forbearance and discretion; and had not often unnecessarily interfered. With reference to the mode of local taxation, he thought the system adopted by the Manchester Corporation, as recommended by Mr. Goodier, was as near perfection as it could be. The Corporation had borrowed money at the lowest rate; it had issued life annuities and Manchester Consols at rates nearly as low as the Government Stock, and its credit stood at the highest possible point. Its debt for water and gas works, markets and public improvements was now about five millions sterling, and probably another five millions would be added for the great Thirlmere Water Scheme. No Corporation or public body ought to pay more than 4 per cent. for its debt, or any portion of its debt. Where this practice was violated, it was an indication either of a want of confidence in the persons who managed the affairs of the town, or that the

Digitized by Google

Corporation had got into some discredit. With the exceptions he had stated, he commended the Paper to the attention of the Department, and hoped its suggestions would be of great service to the local authorities generally.

Mr. E. Carlton Tufnell (London) said nothing could be more satisfactory than the results achieved under the management of the Poor Law Board, when first established. It reduced the expenditure of the poor rate by four millions yearly, and, though violently opposed, was now acknowledged to have proceeded on correct principles. Seven years ago an enormous addition of duties was imposed on the Poor Law Board, which then became the Local Government Board. By this change a dozen different subjects, widely varying in character, were placed under the supervision of this Board, which virtually consists of one man, who has to control the distribution of seven millions sterling of poors rate, and the education of 32,000 children; he also regulates the area of sanitary districts, and the expense of works of sewerage and water supply, and the increase or diminution of the members of local boards. He has to see to the appointment of competent analysts for food and drugs, and has to sanction the appointment of more than one hundred officers of health and inspectors of nuisances, and the borrowing of more than four and a-half millions sterling by sanitary authorities. He has to see that every loan advanced by the Public Loan Commissioners is properly applied. He issues orders for the erection of gas and water works, and regulates expenses under the Dwellings Improvement Act, also the proceedings relating to the pollution of rivers, the management of canal boats, the treatment of hop-pickers, the vaccination of children, and he believed several other matters. The Board, which manages this multiplicity of duties, consists theoretically of nine members, but practically of one—Mr. Sclater-Booth—than whom there could be no better man for the situation, but who could not possibly fulfil all the duties he is supposed to perform, if he had the wisdom of ten Solomons. Of course the result is, that the business is really managed by subordinate officials, in the name of the President, mostly unknown to the public, who is alone responsible.

The President (Professor Bonamy Price) said he had had no experience in the management of local boards, but there were one or two matters mentioned in the Paper of interest and importance, of which he had some knowledge; and, before the discussion closed, he desired to offer a few remarks upon them. The writer of the Paper had spoken, in strong terms, of the conduct of the officials of the Local Government Board, and to himself it was satisfactory that two of the gentlemen, who had taken part in the discussion, had either directly or by implication repudiated the charge. It was important that so grave a complaint should have been met by the testimony of gentlemen who had experienced the courtesy and not the imperative dictum, as a general rule, of these Government officers. With regard to banking, that was a question wholly distinct from ordinary investments. There were peculiar risks in banking; the risk, for instance, of being suddenly called upon to pay the money that had been borrowed. All bankers were liable to the question being put to them, 'How have you been dealing with

Digitized by Google

your money? Have you been lending it to reckless and wild traders, or devoting it to other uses?' But for the ordinary investment in the market, the mortgage on land, the rate of interest changed but little, because the owners of that kind of property avoided speculation. He very much agreed with the second speaker in the opinion, that leaving to corporate local bodies the absolute power of taxing persons without a central control, was a proposition of politics which could hardly be sustained. There was sometimes found in local bodies a sort of passionate feeling, that might require a strong hand at a distance to check it. The financial administration of the Manchester Corporation he had always understood to be able, trustworthy, and good; and there could be no doubt that, if the property of that body were sold, it would realise proportionately a larger sum than the property of any other Corporation in the country. That spoke volumes for the municipal administration of the city of Manchester. With reference to Mr. Chadwick's limit of 3 per cent. interest, he would ask him whether he believed there was excess of borrowing, except by accidental circumstances?

Mr. CHADWICK, M.P., said he did not; and, therefore, he thought Corporations had nothing to invest.

The PRESIDENT: Not as a general rule. Perhaps the property might be sold, and some extra charge relieved for a time; but he did not believe they would borrow a large sum to invest. He thought that was out of the question. The last speaker had made a statement, with which he had been extremely struck, respecting the duties of the Local Government Board: but he could not help feeling that the principle underlying Mr. Tufnell's criticism was thoroughly just. To place a board of nine persons nominally under the management of only one, and then to give to that one eight different departments to be responsible for, was a piece of constitutional government that no intelligent despotism would bear. The business was necessarily badly done under such circumstances. The suggestion that there should be one set of officers for one board, another staff for a second board, and so on, was a sensible suggestion. He understood Mr. Tufnell to say that the increased number of subjects given to the Local Government Board by recent legislation had seriously impaired the efficiency of the Department.

Mr. TUFNELL believed so. The Department had at least half-a-dozen subjects, which it was utterly impossible that the Board could have a competent knowledge of.

The CHAIRMAN: And that want of knowledge actually led to misgovernment, and to misdirection or misadministration.

Mr. TUFNELL: They ought sometimes to be controlled, and at other times to be allowed to proceed as they pleased; but they had done wrong occasionally in both ways.

Mr. BRYDGES observed, with reference to a former remark from Mr. Tufnell, that the pollution of rivers and some of the other subjects mentioned, were cognate to the Public Health Act; but the Cattle Plague Act was one which, he believed, came within the province of the Privy Council.

Mr. TUFNELL replied that an expert was required on every one of

Digitized by Google

the subjects that came before the Board. Mr. Sclater-Booth, the President, practically did everything at present.

Mr. CHADWICK, M.P., thought that Mr. Tufnell had taken a rather narrow view of the matter. If Mr. Tufnell found fault with the present position of the Local Government Board because, in addition to the poor law affairs, it took the cognate subjects of the local government and management, he might make the same complaint as to every department of the State—the Board of Trade for instance. There were more than twenty departments under the Board of Trade; and it appeared singular that Government should put a man at the head of the Board who had had very little connection with, or knowledge of, trade in any branch. When such a man was appointed to such an office, he found at the head of every department well-paid, permanent, and experienced officials; and the consequence was, that we were ruled in all great administrative departments, not by political parties, as many persons supposed, but by experienced and permanent officials. The present President of the Local Government Board was one of the ablest and best men for the office; and he had under him experienced officers to advise him in every department.

Mr. F. D. LONGE (Cheltenham, Local Government Inspector) remarked that on this as on most questions there was much to be said on both sides. With regard to the action of the Local Government Board, Mr. Goodier in his Paper appeared to attribute to inspectors powers which they did not possess. They were often employed to advise and recommend measures to local authorities, but not to direct. When the members of an authority were competent and knew their business, they knew how to deal with an inspector and make use of his information and assistance. It was only weak authorities who put themselves entirely into the hands of an inspector so as to make him responsible for their proceedings. With respect to the constitution of the Local Government Board it would be very dangerous to establish several central departments, each with a strong force of official gentlemen, all of them making the most of their department. Local self-government would never thrive under such an arrangement. That no doubt was the reason why so many branches had been thrown into the hands of the President of the Local Government Board. There were amongst the inspectors experts who were devoted entirely to the study of particular subjects all over the country; and these men were as good advisers as could possibly be obtained. The First Lord of the Admiralty had also his advisers. Neither Mr. Goschen, who formerly occupied that office, nor Mr. W. H. Smith, who now held it, were supposed to know much about shipbuilding, but they were both perfectly able to form a judgment upon the advice of experts as to the kind of vessel which should be constructed for the navy. The permanent officials, who held high posts in each department, and who were authorised to act for the department, were the last persons in the world to act with caprice. He wished the author had said more about the principles of borrowing powers than the Paper contained. The point which Mr. Goodier no doubt had in his mind was whether local boards should be empowered to act altogether by themselves, or whether their proceedings should be subject to Government control. If Government control had been exercised to any great extent, in

Digitized by Google

restraining the action of local boards in carrying out improvements, there would be some case to be made out on that ground. There was, however, another danger—viz., that the local authorities might be led to trust too much to the Government inquiry, for proof of the merits of a measure which they had previously decided upon without much consideration.

DEPRESSION OF TRADE.[1]

What are the Causes of the present Depressed and Stagnant Condition of Industrial Enterprise, and what are the best remedies? By DAVID CHADWICK, M.P.

IN accordance with the request of the Council, I submit for the consideration of this section some facts and opinions upon the important question they have appointed for our consideration. It would be very easy in a general way to answer the first part of the inquiry—as to the causes of the present depressed state of trade—by simply replying '*over-production.*' If that be the true general answer, it may be interesting to inquire into the causes which have led to over-production in so many trades. The staple trades of cotton, coal, iron, and steel may be taken as fair examples.

Before considering the special circumstances of each of these trades, I propose to take a glance at the general position of the revenue, expenditure, and trade of the nation as disclosed by the public and official statistics. The public revenue and expenditure at intervals of five years since 1863 has been in gross figures as follows:—

Year ending March 31	Total Receipts	Total Expenditure (excluding Fortifications and Barracks)	Proportion of Payments per head of Population in United Kingdom		
	£	£	£	s.	d.
1863	70,603,000	69,302,000	2	8	2
1868	69,600,000	71,236,000	2	6	6
1873	76,608,000	70,714,000	2	4	5
1878	79,763,000	82,403,000	2	9	3

The direct and indirect local taxes were—in 1873-74 29,247,000*l.*, or 18*s.* 3*d.* per head, and in 1878 may be taken at about 20*s.* per head. The national and local taxation together may therefore be taken in 1878 at 3*l.* 9*s.* per head of the population of the United Kingdom. The actual increase of expenditure in the fifteen years was over 13 millions sterling.

[1] See *Transactions*, 1877, p. 652.

Digitized by Google

The imports and exports of the United Kingdom during the last fifteen years have been as follows:—

Year	Total Imports	Total Exports	
		British Produce	Foreign and Colonial Produce
	£	£	£
1863	248,919,000	146,602,000	50,300,000
1868	294,698,000	179,677,000	48,100,000
1873	371,287,000	255,164,000	55,840,000
1877	394,419,000	198,893,000	53,453,000

Showing an *increase* in the value of *imports of* 145½ *millions sterling* in the fifteen years, an increase in the *exports* of British produce in *ten years* from 1863 to 1873 of 108½ *millions sterling*, and a DECREASE in the exports of *British produce* in the *four years* from 1873 to 1877 of 56¼ *millions sterling*; whilst in the same four years the value of imports has increased no less than 23 millions sterling. Although the exports have decreased during the last few years, the wealth of the country is proved by the considerable annual increase in the value of imports.

The general wealth of the country is shown by the increase in the annual value of property and profits assessed for Income Tax, which were as follows:—

Year	Total	Schedule D
	£	£
1862	351,745,000	124,842,000
1868	430,368,000	171,848,000
1873	513,807,000	228,870,000
1876	579,297,000	271,865,000

being a total increase of 227½ millions sterling per annum, in 15 years, of which 147 millions is from Schedule D, for trade profits.

But I have reason to believe that above 10 per cent. of this increase, especially in regard to Schedule D, is due to greater vigilance and correctness in recent years in assessing the Tax as compared with the lax and incorrect returns of former years, and not to any actual increase of profits.

I place the actual increased annual value of property and

Digitized by Google

profits in the 15 years at about 200 millions sterling, say from trade profits (Schedule D) 130 millions, and from all other sources 70 millions.

I estimate the capitalised value of the trade profits at 10 years' purchase, or 1,300 millions, and of the other profits at 20 years' purchase, or 1,400 millions; making a total of 2,700 millions, or at the rate of 180 millions per annum.

Mr. Giffen, of the Statistical Department of the Board of Trade, has estimated that the capital value of the incomes from all sources, in the United Kingdom, including wages, pictures, and foreign investments, &c., was in

1865 .	6,100 millions, or 204*l.* per head of population		
1875 .	8,500 „ · 260*l.*	„	„

showing an increase of 2,400 millions, or 56*l.* per head of population, or 240 millions increase per annum. He says that in 10 years ending 1865, property increased 30 per cent., and in 10 years ending 1875, property increased 44 per cent. He estimates the increase in the capital value of property at from 3 to 4 per cent. per annum, whilst the increase in the population has been only about 1 per cent. per annum.

I do not agree with the method which Mr. Giffen has adopted in capitalising the increased value of profits in trading concerns at 15 years' purchase, as I believe 10 years' purchase rather full value, and I fear he has over-estimated the capitalised value of other items; but his estimates with these exceptions may be considered substantially correct, although I prefer my own estimate of 180 millions per annum increased value, to his estimate, which includes other items, of 240 millions per annum.

Coal and Iron.—I will now take a glance at the increase in the production of coal and iron, and the values during the past ten years, which may be stated shortly as follows:—

Coal and Iron	1868	1870	1872	1876	1877
Coals . . . tons	103,141,000	110,431,000	123,497,000	133,344,000	134,610,000
Estimated value at place of production .	£25,785,000	£27,607,000	£46,311,000	£46,670,000	£47,113,000
Pig Iron . tons	4,970,000	5,963,000	6,741,000	6,555,000	6,608,000
Estimated value at place of production .	£12,381,000	£14,908,000	£18,540,000	£16,062,000	£16,191,000

The increase in the price of coal for manufacturing pur-

Digitized by Google

poses, principally for iron-making, is shown by the following statement. The coal-owners could not increase their output with sufficient rapidity to meet the orders, and they consequently advanced the price at the renewal of every contract from 1871 to 1873.

AVERAGE PRICE PER TON.

Coal	1870			1872			1873			1877		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Newcastle Wallsend .	0	16	3	1	3	0	1	10	9	0	16	7
Welsh Coal . .	0	12	6	1	10	0	1	12	6	0	9	0

The price of iron advanced in the same period as follows:—

AVERAGE PRICE PER TON.

Iron	1870			1872			1873			1877		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Middlesbro' Pig .	2	9	6	5	4	6	5	15	0	2	5	6
" Bars .	6	10	0	13	12	6	15	0	0	5	15	0
Welsh Pig . .	4	0	0	6	12	0	6	10	6	3	17	6
Scotch Pig . .	2	14	0	5	1	10	5	17	3	2	14	4
South Staffordshire Pig	3	0	0	5	6	8	5	15	0	2	8	9

Bar iron advanced from 6*l.* 10*s.* in 1870, to 15*l.* in 1873, and in October, 1878, is down to 5*l.* 10*s.*; and Cleveland pig iron, which in 1873 was selling at 5*l.* 15*s.*, is now sold at 1*l.* 17*s.*

Other descriptions of iron, as well as steel and other metals, and nearly every other production have advanced and fallen in nearly the same proportion.

Mr. Walter E. Wood has shown that South Staffordshire common pig reached 6*l.* in 1845, fell to 2*l.* 5*s.* in 1852, rose to 6*l.* 10*s.* in 1872, and in October, 1878, is 2*l.*, the lowest price for 40 years.

Coal in quantity increased in four years—1868 to 1872—from 103 to 123 million tons; and in value at the pit's mouth, from 25¾ to 46⅛ millions sterling. In 5 years, to 1877, the quantity increased to 134 million tons, but the value at the pit was only 47$\frac{1}{10}$ millions sterling. Iron in quantity increased in 4 years—1868 to 1872—from 4,970,000 tons to 6,740,000 tons, and in value from 12⅛ millions sterling to 18½ millions sterling. But in the 5 years to 1877, the quantity decreased

Digitized by Google

to 6,608,000 tons, and the value to 16⅓ millions sterling, or a reduction in value of 2⅓ millions sterling.

The increase in colliers' and ironworkers' wages advanced with the increase in the price of coal and iron and, taking South Wales as an example, may be thus stated:—

AVERAGE WAGES PER WEEK.

Coal and Iron Wages	1872			1873			1878		
	£	s.	d.	£	s.	d.	£	s.	d.
Coal Getters .	1	15	0	2	8	6	2	2	0
Iron Puddlers .	2	0	7	3	5	1	1	15	0
Labourers . .	0	18	0	1	0	6	0	15	3

In regard to the profits in the coal and iron trades, Mr. H. D. Pochin recently stated the earnings of a large concern in those trades, having a large capital engaged therein, to be as follows:—

1869 . 4 per cent.	3 years 20 per cent.=6⅔ per cent. per annum.	
1870 . 6 "		
1871 . 10 "		
1872 . 14 "	4 years 116 per cent.=29 per cent. per annum.	
1873 . 47 "		
1874 . 37 "		
1875 . 18 "		
1876 . 8 "	3 years 13 per cent.=4⅓ per cent. per annum.	
1877 . 5 "		
1878 . nil		

Total 149 per cent. in 10 years=14$\frac{9}{10}$ per cent. per annum.

Taking the above as an actual return in a very good concern, it shows an average of earnings of nearly 15 per cent. per annum, of which 5 per cent. may be taken as interest of money, and nearly 10 per cent. as annual average profits. The great present depression in these trades is shown by the last year's working showing no profits, and perhaps a considerable loss.

This statement is interesting as a good illustration of the fluctuating nature of the profits of a great staple industry where skill and experience are combined with ample capital.

The high prices of 1872–73 stimulated coal-owners and iron-masters to increase their pits, blast-furnaces, and rolling-mills, and hence the production soon overtook the demand, and prices have been continually declining from 1874 to the present time. When a large expenditure has been incurred in

Digitized by Google

opening out a new colliery, and the harvest of coal has been reached, it remains in permanent competition and must be worked although it may be necessary to reduce wages and all other expenses, and work the pits at an absolute loss, if such loss is in any degree less than would be caused by the stoppage of the pits, with the inevitable charges of pumping and keeping the machinery in order, and the further fixed charges of minimum rent or royalty, and interest on capital. Many of the old coal-pits and iron-works cannot compete with the new pits fitted with all the modern improvements; and such old pits, blast-furnaces, and rolling-mills must inevitably cease to be worked, till the demand shall again be equal to the supply, when remunerative profits, and their inevitable accompaniment, higher wages, will again prevail.

Cotton.—The prosperity of 1871 and 1872 had upon the cotton trade a very similar effect to that which has been shown to have been produced in the case of coal and iron. The official returns show the total quantity of raw cotton imported exclusive of that exported to be as follows:—

1868	. .	1,006 million lbs.
1871	. .	1,416 „ „
1877	. .	1,185 „ „

showing an *increase* of 410,000,000 lbs. in the four years 1868 to 1871, and a *decrease* of 231,000,000 lbs. in the six years to 1877.

Mr. Joseph Spencer, of Manchester, has furnished me with the following statement of the highest and lowest prices of principal descriptions of cotton yarn and cloth from 1870 to 1878.

Year	Cotton.		Yarn.				Cloth.	
	Mid. Orleans.		36 Twist.		40s. Weft.		Best 9/8 supers.	
	Maxm.	Minm.	Maxm.	Minm.	Maxm.	Minm.	Maxm.	Minm.
	d.	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*
1870	11 15/16	8	16¼	12¼	16¼	12¼	18·7	15·5
1871	10¼	7½	15¼	12½	14½	11¾	17·7	15·7
1872	11⅝	9 13/16	16½	14	15¾	13½	18·8	17·2
1873	10¼	8 9/16	15¼	13½	14¼	12¼	17·5	16·5
1874	8⅝	7¼	13½	12	12¾	11⅝	16·5	15·7
1875	8½	7 3/16	13	12	12	11½	16·0	15·2
1876	6 15/16	6 9/16	12	9	11¼	8¾	15·4	13·0
1877	7	6	12	9	11	9⅛	14·0	12·2
1878	6 13/16	6⅛	10¼	9	9¾	9	12·7	12·2
Total extreme .	5 15/16		7½		7½		6·5	

Digitized by Google

From this return it will be seen that cotton was

$11\frac{3}{4}d.$ per lb. in 1872, and about					$6\frac{3}{4}d.$ in 1878.	
Twist $16\frac{1}{8}d.$ per lb. in 1872 and					$10\frac{1}{4}d.$	„
Weft $15\frac{3}{4}d.$	„	„	„	„	$9\frac{3}{4}d.$	„
Cloth $18\frac{4}{5}d.$	„	„	„	„	$12\frac{7}{10}d.$	„

The causes of the present depression in the cotton trade were much discussed during the recent strike for nine weeks at Blackburn, when about 30,000 operatives were thrown out of employment, and about 200,000*l.* lost in wages alone.

The masters said they were working at a great loss, their warehouses were filled with goods for which no market could be found, and they demanded a reduction in wages of 10 per cent. or would close their mills. The operatives in reply acknowledged the bad trade and over-production, and offered to agree to the reduction of 10 per cent. if the masters would reduce production by reducing the time of running the mills from 6 to 4 days per week. The masters replied that nothing but cheapening production would increase trade, stimulate consumption, and meet foreign competition; and that after the reduction of 10 per cent. they would still, at present prices, scarcely work without loss. They could with 10 per cent. reduction just clear themselves without profit, but if they worked short time—say 4 days instead of 6, or a stoppage of one-third—they incurred heavy losses by stopping the engines and machinery, in interest on capital (in many cases borrowed) and in rent, taxes, and other fixed expenses which did not diminish in proportion to the short time worked.

The fixed charges on a mill of 30,000 spindles and 500 looms have been estimated at 5,000*l.* a year, or about 15 per cent. on the capital invested. The loss to the master by stopping 2 days in a week would be greater than the gain by the reduction of 10 per cent. in wages. The workmen, therefore, by working short time would incur the double loss by reduced rate of wages 3*s.* and by short time 9*s.*, or 12*s.* per week, being 40 per cent. or 30*s.*, instead of only 10 per cent. required by the masters. The reduction in the rate of wages paid to cotton operatives since 1872 has been from 20 per cent. to 30 per cent.

In a time of great depression the old mills and the old machinery cannot compete, and they will be gradually and surely left behind, and must be, however reluctantly, abandoned. In bad times it is only those masters who have husbanded their resources in good years that can find capital to pay for wages and materials, and store stocks, and work their mills without profit or interest.

Some of the causes of the inflation of 1872–73 may be decided from the statements and facts I have referred to and may be generally stated as follows:—

Digitized by Google

1. The increased home and foreign demand for English products arising from the ordinary increase of population and from the good crops generally, at home and abroad.

2. The extraordinary stimulus given to the foreign and colonial trade by the large amount of foreign and other loans.

3. The improvements in the manufacture of iron and steel, and the abundance of capital available for home and foreign and colonial railways and other works.

4. The demand for coal, and especially for iron-making, overtook the supply, and the increased price for coal was at once extended to iron and steel, and affected cotton and other manufactures.

5. The profits of every trade, and the rate of wages in every occupation for 18 months received an extraordinary advance, following, and in some cases exceeding, the advance in coal, and varying from 50 to 150 per cent.

6. The introduction of a large amount of capital into trading concerns by the facilities afforded for the establishment of joint stock companies, and by the system adopted at Oldham and other places of building and working mills by borrowing the greater portion of the capital on loan.

The *causes* of the depression in trade which ensued after 1873, and which has increased yearly till the present comparative paralysis of 1878, may be stated as follows:—

1. The three bad harvests, which Mr. Caird estimates have caused a loss of 87½ millions sterling.

2. Famine in India and China, and the fall in prices, and consequent unprofitable general trade with those countries.

3. Foreign competition, especially by the United States, and the heavy protective duties that country has put on cotton, silk, and woollen goods, and on iron, steel, and other manufactures.

4. The almost absolute loss of the demand by the United States for all the commoner descriptions of cotton and woollen goods, carpets, and silks, and the entire loss of the American trade for railway rails and appliances, and for the greater portion of the common descriptions of steel.

5. The diminished demand by India for English cotton, cloth, and yarn, and for woollen and jute goods by the erection of mills in India.

6. The opening out of a large number of new coal-pits; the erection of new and the extension of old iron-works; the competition of new cotton and other mills, mainly by joint stock and co-operative companies in Oldham and other towns.

Digitized by Google

7. The fear arising from the possibility of the war between Russia and Turkey involving England and other European countries.

8. The yearly increasing expenditure by the Government, and of the people generally, in luxuries.

9. The large amounts unsafely and unprofitably expended in foreign loans and in joint stock companies, and the undue facilities afforded by banks to large mercantile firms.

10. The recurrence of that decennial cycle of bad trade, which Professor Jevons states has gone on for 150 years.

Mr. Newmarch, F.R.S., in a recent paper at the Statistical Society, gives his view of the causes of the commercial and industrial distress which has prevailed during the last four and a half years in the following words:—

'1. The first and the most powerful of these causes was the Franco-German War (August, 1870–April, 1871), the payment of the indemnity of 220 millions sterling by France to Germany, and the entrance of Austria, Hungary and Italy upon a newer, freer and more enterprising national life. The suspension for a year of a large part of the industrial production of the belligerent countries brought them impetuously into the markets of the world—and especially into the English market—as soon as peace was assured; creating a demand greatly beyond the capacity of the then existing means of supply available at the moment. Hence arose the impetuosity with which in 1871–72 demand urged on production, especially in the instrumental articles of coal and iron.

'2. The mania in the United States for building railways (1868–73), and the consequent large transfers of native and foreign capital from floating securities into fixed investments, operated in the same way, and in the same direction, as the demand from the war regions in Central Europe; and in the United States was aggravated by a bad paper currency, by bad protectionist laws, and by abuses of the most flagrant and scandalous kind in the administration of the entire railway system. It is also to be borne in mind that both in North America and Central Europe, the prevalence of devastating wars since 1860 has destroyed and prevented the usual accumulations of capital arising from successful enterprise and frugality, and from the increase of skill and diligence in the great bulk of the people.

'3. During the same period (1868–73), Russia strained all its resources and all its credit in pursuit of a similar policy of railway, road, and navigation extension.

'4. The opening of the Suez Canal at the end of 1869 created, during 1870–73, an urgent demand for a large fleet of steam vessels adapted to the new Indian route; and what is more, so altered and affected many of the existing modes and channels of business, as to create mischief and confusion among the parties engaged in them. These disarrangements of former channels and methods of commerce have been greatly intensified by the completion since 1868 of tele-

Digitized by Google

graphic systems between all parts of the world, not excluding China, Australia, and both sides of South America.

'5. The rapid rise of prices and wages (1871–73) threw large systems of production entirely off their balance. More expenditure and less work took the place of frugality and diligence, and the acquirement of riches seemed to have become all at once so easy that the old virtues of diligence, skill, and patience could be laid aside both by men and masters.

'6. During the three excited or prosperity years, 1871–73, there was a rapid rise in this country and over Central Europe and North America in the *cost of production*, occasioned by the less amount of work given by the operative classes for augmented wages; by the shortened hours of labour and the consequent diminished productiveness of all fixed machinery and plant, and by the adoption of new laws for regulating and in effect for lessening labour, as, for example, the Mines and Workshops Regulation Acts in this country. For three years, 1871–73, the industrial world went on holiday, less and worse work was given for higher and higher wages; and then in every country there came a collapse, because the laws of nature could be no longer violated by a wholesale and consentaneous neglect of diligence, frugality, and intelligent labour zealously applied.

'7. In the United Kingdom there has been, since 1873, three years most unfavourable to almost all the classes engaged in the greatest of all our domestic industries—agriculture. Grain, root, and hay crops have been bad. Cattle disease has not only prevented profits, but has destroyed very large amounts of capital; and the result is a degree of distress throughout all the farming interest greater than has been known for a long period. As a consequence of these calamities, the price of bread and potatoes to the working classes has been, during 1873–77, not less than 12 or 14 per cent. (that is, say 3*s.* in every 20*s.* of expenditure in these articles) higher than during 1869–71, and remembering that it is the extra shilling set free by the lower cost of weekly living, which diffused among 25 millions of persons, constitutes the effective demand for the great bulk of manufactured articles, it is not difficult to trace the cause of a large part of the distress in the industrial towns and districts.

'8. Since the early part of 1876, the entire commerce of the world has been and is held in suspense by apprehensions excited by the political events of the war in South-eastern Europe; and the difficulties still expected to arise out of the defeat of Turkey; and to this special cause of disturbed industry must be added the famine of 1877 in a large part of India.'

The *remedies* for the gradual removal of the present depression are, I venture to submit, the following:—

1. Greater economy in national and local expenditure; greater economy in the use of luxuries and in the general cost of living; and a great reduction in the enormous expenditure—estimated at 155 millions sterling per annum—in intoxicating liquors.

Digitized by Google

2. The reduction generally of the cost of production, by the use of improved machinery and appliances, and by further economies in the cost of labour and materials: and by the stopping of the unwise proclivity for extending old or erecting new works.

3. The removal of all restrictions to the freedom of trade and commerce in India and with our own colonies, and as far as possible, by commercial treaties or otherwise, with all foreign countries.

4. The security of peace, as far as practicable, with all the world; the speedy removal of the commercial excitement and fear caused by the still unsettled state of the countries affected by the recent war between Russia and Turkey; and a speedy peaceful and permanent settlement, if possible, of the differences existing between India and Afghanistan.

5. The natural and gradual action of time as in all previous cycles of bad trade, and by cheapness and quality securing our due share in providing the implements and clothing for the annual estimated increase of 1 per cent., or ten millions in the population of the world.

6. The stoppage or insolvency of old, weak, inefficient, or badly managed concerns, and the operation of Darwin's rigid, but apparently inevitable law, 'the survival of the fittest.'

7. The amendment of the law of joint stock companies by placing greater restrictions, and providing for full publicity on their establishment, and preventing their beginning business unless the full amount, or at least three-fourths, of the total authorised capital is subscribed, and by the compulsory appointment of a Government, or other professional auditor, for all joint stock banks and other companies, and corporations, and for building societies and trustees, receiving or having the control of money subscribed by the public.

In conclusion, I may say that I have endeavoured to state very briefly my own views as to the *causes* of the inflation of 1872 and 1873, and of the *depression* in trade which immediately resulted, and which has increased and intensified up to the present time; and I have freely set forth the *remedies* which I consider practicable, and should be aimed at in our endeavours to secure a revival of commercial prosperity. I have not thought it necessary to include in this paper any returns of pauperism or savings banks deposits as the variation, until very recently, has been inconsiderable. In endeavouring to deal with so large a subject in a short Paper, I have purposely avoided entering into many branches of the subject, as I prefer, in case of need, to meet any

Digitized by Google

objections or give further illustrations in the course of the discussion; but as some further elucidation of the inquiry, I append a very brief notice of the opinions expressed on the subject recently by some well-known authorities and by practical coal-owners, iron-masters, manufacturers, and merchants.

Mr. JOHN MORLEY, Mr. LLOYD JONES, Mr. MACDONALD, M.P., and others representing the views of trades unions, have recommended the limitation of the hours of labour as referred to in my remarks on the recent Blackburn strike, as the best solution of the difficulty.

Mr. MUNDELLA, M.P., is of opinion that it is on the increased efficiency and greater energy of labour that we must rely, rather than on low-priced labour, to sustain the industrial conflict with other nations.

Mr. STEPHEN BOURNE attributes the present depression of trade to the large importation of food from foreign countries which did not take our manufactures in exchange, and as a remedy he suggests the establishment of new Colonies which would form new markets in which to dispose of our manufactures in return for the food which they would produce.

Mr. H. D. POCHIN believes the inflation of 1872–73 was caused by the demands of manufacturers for 5 or at most 10 per cent. more coal than could be supplied. He did not agree with the remedy of limiting the production. Our real object ought to be to produce as much as possible, instead of the idea which dominated in English workshops that they should all do as little work as possible. The more the working men produced by their labour, the more they would have to consume and enjoy.

Mr. CHARLES MARKHAM considers the present cause of the depression in the iron and coal trades to be due to the establishment of so many joint stock iron and coal companies, and to the diminished hours of labour, and our only hope of prosperity is by increasing thrift and industry, and reducing the cost of living.

A large COAL-OWNER and ENGINEER attributes a loss of 3*d.* per ton on coal to the carrying out of the Mines Regulation Act; and the bad trade in iron to the competition of Belgium, and the establishment of new works since 1872. He believes with a very slight improvement in the iron trade the coal trade would considerably improve.

A large STEEL MANUFACTURER at Sheffield says that the depression in that trade has been very great since 1873. Their own sales have been 40 per cent. less, and prices are reduced 20 per cent, while the rate of wages has been maintained at nearly the same rate as in 1872. He attributes the depression in the steel trade to the prohibitory import duties on steel in the United States and to the increase in steel works.

Mr. FRANK HIBBERT attributes the depression in the cotton trade to over-production, caused by new cotton-mills erected by joint stock companies, and he says that in Oldham alone 2¼ million spindles have been added to the producing-power of cotton spinning in the last ten

Digitized by Google

years. He believes the remedy to lie in stimulating the demand by reducing cost of manufacture, and not in working short time.

Mr. THOMAS BEGGS and Mr. WILLIAM HOYLE, in Papers read by them before this section last year, were of opinion that a practical remedy was the saving of the great wealth wasted in the manufacture of intoxicating drinks, and the loss and demoralisation caused by its consumption. The diversion of this wasted wealth to articles of utility would create a demand more than the productive power of the world could supply.

Mr. ERNEST SEYD, a well-known writer on monetary questions, is of opinion that the depression of trade in England is entirely due to the demonetisation of silver.

Mr. SHAW LEFEVRE, M.P., says: Too much is often made of what is called depression of trade; the general prosperity was not substantially impaired, and he was not sure that the country as a whole was not in 1878 sounder than it was in 1873.

DISCUSSION.

Sir ANTONIO BRADY (London) described the Paper as a valuable contribution to the statistics of the country, and an argument for the general principle of free trade, which had led to such glorious results. It was, he said, perfectly clear that, unless we continued this course of free trade, we could not supply our people with food. Unless we could manufacture goods in sufficient quantities, and undersell other nations so as to buy food from those whose supply was much greater than our own, there would be no means of feeding our people; and that condition of things would ensue in this country if our commerce were impaired by any of the causes referred to by Mr. Chadwick.

Mr. CHARLES THOMPSON (Manchester) was much struck with the order in which Mr. Chadwick had placed the causes of depression and the proposed remedies. The first remedy named was economy in national and local expenditure. That was rightly put first; and for that reason the cause of depression, which was eighth on the list, ought to have stood first. The saving of even a tithe of the expenditure on intoxicating liquors would give an impetus to the trade of Lancashire. It ought to be remarked that expenditure on the means of production was obliged to keep pace with the advance of intelligence and invention in manufactures. The want of confidence as to what might happen in political circles had been a great cause of depression in Lancashire. They had not known what to expect from day to day. If there had been confidence that peace would have been maintained with Russia, the autumn trade would have been very different.

The PRESIDENT (Professor Bonamy Price): I quite agree that the Paper is a very able one, and is throughout based upon sound principles. There is no fanciful or fictitious element in it, that I can detect, regarding it as a general view of the real causes of the present condition of things; and we cannot do better than follow the track of Mr. Chadwick and pursue it to the end. There are points on which I should

Digitized by Google

like to offer some explanations. For trade, and for providing the necessaries and the comforts of life, you must have capital; that is to say, you must have the materials to make goods; you must have the food to sustain the labourers; you must have clothing and tools for them. The essential characteristic of capital, as compared with other wealth, is that it reproduces itself. All wealth is universally destroyed; the loaves are eaten; the clothes are worn; the coals are burnt; in all cases there is complete destruction. The test of a thing being capital is found in the consequences which follow consumption; it lies in the answer to the question—When you destroy things, do you reproduce others which replace them? We have got a fact—a commercial depression: what is the meaning of the words? Traders would reply—There are no buyers; hence we have no wages to give; we have no profits; we are brought to a stand-still. Then the question arises—How is it that there are no buyers, as there were six or eight years ago? The answer is decisive—There has been over-consumption. It is idle to talk of over-production at this stage; there has been more destroyed than made. If you consume food, clothing, coals, and other things in a country, and if you do not make as much as you consume, it is absolutely certain that the nation must become poorer. This governs the whole question. The nations of the world have become poorer; and why have they? Because they have destroyed vastly more than they have remade. This depression is universal; and it is an interesting question how it comes to pass that it has taken this wide range. Trade is merely the exchange of things made; all trade is absolutely nothing else. It says: 'I will make for you if you will make for me.' Whether it is between two nations or two individuals, the fact is always the same—trade is the exchange of things made; and the absence of buyers means that somebody who used to buy can do so no longer, because he has nothing to give in exchange. The commercial depression being general, we shall find that the causes have been general too. The admirable statistics given by Mr. Chadwick furnish us with some assistance. The great period of over-consumption was clearly the years 1872-3-4, and the people who took the start in this over-destruction were the Americans. They made railways without end in the wildnerness. Now, a railway is a most enriching thing. Nothing enriches like a railway; but it is a very costly machine indeed. What do I mean by costly? Money has nothing to do with it. The question concerns the realities of life—goods, things, wealth. A railway consumes an amazing quantity of coal and iron, of food and clothing for labourers. There is enormous destruction in the making of a railway; and, at the end of the operation, what have you got? Tunnels, embankments, long lines of iron; so far, all the property is as much destroyed as if you had set labourers to make holes in the ground and fill them up again. Everything turns upon the second process, upon the replacement of what has been used up. Railways illustrate the general fact of what is called fixed capital; it is not reproduced soon; the destruction is large, and the reproduction of the things consumed takes a long time. This is the specific characteristic of fixed capital; sometimes it is not reproduced under twenty years. A great ship is fixed capital; it takes several years to replace

Digitized by Google

the cost of making it. A horse belonging to a farmer is equally fixed capital; it takes six or eight years to recover the cost of it. Railways were made in America out of all proportion to the power of the Americans to use them. In what consists the power of any country or any man to create fixed capital without injury—to make things which will not replace what has been destroyed in making them for a number of years? Draining is an operation of fixed capital calculated to increase the productiveness of an estate; but if a man with 10,000*l.* a year spends 15,000*l.*, it is of no use to say that the expenditure on draining is a capital investment, and that the country will be the better off for it. The man is poor by the 5,000*l.* which he had not to spend, which is capital destroyed, gone and not replaced. That is poverty. There is only one condition for the creating of fixed capital without harm to a country, and that is to make it out of savings. Then comes the question—What are savings? Say that a squire has 10,000*l.* a year, his share of things made; he can spend it without impoverishing himself or the nation. The squire says: 'I should like to save 3,000*l.* a year for my girls.' The question arises—Where are the girls' things? Some people talk of investments. All saving consists in creating capital, in producing additional food, or materials for more making. The squire may say he will spend 7,000*l.*; but he will save 3,000*l.* How? He spends the whole 10,000*l.*; but with 3,000*l.* sets labourers to work to drain his fields, so that they produce two, three, or four bushels a year more. Is there any harm done in that case? No, because he had 10,000*l.* a year to eat, drink, and consume. Whether he spent the money wisely or wasted it away, there was no loss to the nation or himself; there was no increase of wealth, but also no diminution. He can do what he likes with this 3,000*l.* If he lays them out on the draining of his estate, there is no harm done, and the estate is all the better; and the girls have got the income from the additional three or four bushels per acre which results from the draining. Apply this example to the construction of the railways in America. If America had made railways out of her savings, had destroyed wealth which she had to destroy, no harm would have been done. But America did not do this: she ate and drank a great deal of the capital of the country, and diminished the stock of food and of wealth of all kinds, and was left poor. (A voice: 'No.') This process went on to a gigantic extent, and it is accompanied always by another one, which the figures of Mr. Chadwick illustrate—viz., that when you take to pursuing this artificial trade which destroys much more than it makes, there is universal excitement all round, and a great increase of consumption. There is more purchasing in the shops than there ought to be; the shopkeepers are doing better and live better; more things are wasted; more wages are paid, and more is spent in luxury. Then comes a great inflation of profits and of wages and of destruction; and, in the end, poverty. Mr. David Wells, of America, has truly said that if a nation took it into its head to jollify, to eat and drink as hard as it could, to consume recklessly, there would be unheard of prosperity in the shops and great movements of trade, but in two or three years everybody would die like locusts. This is the result now on a small scale; the commercial

Digitized by Google

depression we are now suffering is the death on a small scale which the process of eating everything up in two or three years would bring about. This went on in America and other nations until 1873, when the turn came and the depression began. What I say illustrates Mr. Ghadwick's figures—great profits made; much more consumption and destruction than there ought to be; then wages rose. Trade pursued a similar course in Germany. The great calamity befel Germany of having a large amount of gold. Anybody would say, 'The very thing! a piece of gold: what cannot you do with it!' You do not eat it or drink it, or wear it as clothes. True; but if you have gold enough for use as ready money, all beyond this is useless. Germany kept all this gold inside the country, and was not an atom the richer by it. It did her no good, except what she applied to the making of watches and chains. The Government said: 'Let us make fortifications; employ our labourers, feed them, clothe them. But what was the end of the operation? A fortress! Can you eat it? Can you turn it into a productive machine? Can you make fresh wealth with it? In no way is it pure consumption. The Germans found it out after a while. They said, 'Bless us; we have been ruining ourselves; we must go to war again; we must lose, be defeated, and have to pay an indemnity of 200 millions, and then we shall do as well as France has done. The relative positions of the two countries are very full of instruction. Why was it that France recovered so rapidly from the consequences of the war? Because she saved. She is the most saving nation in the world. What did Frenchmen do when defeated? They did not take to drinking; but, having to pay thirty millions of fresh taxes, they had meat only four days a week, cut off expenditure here and there, and so paid the indemnity out of their self-denial. At the end of the operation they had not consumed more than they did before. Why? Because what they had given to Germany they had taken out of themselves, reducing the expenses of living. No doubt the war did injure France and the world very much. Why? because a war destroys much more than it makes. It makes nothing. Do not think of taxation and money in these matters; think of what money is the agent in doing. The mischief of war is that you give to soldiers and sailors and all sorts of people, who produce nothing, and there is nothing at the end of it. The nation is poorer, it has fewer things to be bought, it becomes depressed. What did England do? She went very largely into loans. People think of the loans given to New Zealand or Australia; they are all scored up in money; people talk of money and do not go beyond. You have not got at the heart of human life if you stop there. The loans to New Zealand were all taken out in our goods, in locomotives, in rails, and additional clothes and tools for labourers. This is the operation of a loan—the same process of taking and destroying without remaking. I do not think England herself went into over-consumption very largely, so as to contribute to the causes of this depression by her own fault; but there were other countries that told upon her. There were the Chinese and Indian famines—a repetition of the same story. What is a famine? Destroying, and not remaking. You go to expense in agriculture, and you have no harvest. Can the people who

Digitized by Google

have no harvest go on buying? They have nothing to give you; and that is a serious cause of depression. Can you be surprised that a great number of persons who supplied them with all sorts of excellent things from England find that they had no buyers? We have had several bad harvests lately, always involving the same story—consuming, destroying, and not remaking—and when not remaking, in fact buying nothing because the power to buy anything in a shop is the amount of goods possessed. Everybody's income in money is bought with goods. Now we come to the second stage, and that is a very important one. Mr. Chadwick has not fallen into the mistake of Mr. John Morley and others, who place the mischief in over-production. During the time of large consumption and of immense demand for goods, large profits are made; merchants and miners think it is an excellent time for business; profits keep rising and men are encouraged to provide more fixed machinery, to open more mines, to build more factories and mills, and to do everything to meet the growing demand for the articles they supply; not looking back nor asking questions as to the causes that lead to these large demands, thinking nothing about them; not asking themselves whether the Americans, who were such large buyers, had the means to go on. Finding the demand so large, they build new mills and machines, and go on successfully for two or three years; but when poverty begins to tell, when the nations become poor and cannot buy, when they find they have fewer goods to send to England to buy with, what happens? During this time of excitement and over-consumption they have set up many more machines for making goods, the demand for which falls off; and again there is destruction of wealth in constructing machines, for which there is no business. Such, generally speaking, are the causes and the effects of depression. The Paper specifies a number of things in which there was over-buying and over-consuming; all which cases fall within the general rules here laid down. Then comes the question, How is this depression to be met? Little need be said as to the absurdity of short time. If I am correct in saying that commercial depression consists in poverty, in having too few goods, a more fatal course cannot probably be adopted than to make still less. Make as many goods as you can, so long as they will be paid for. But the plan of working short time, of working four days a week, which makes goods dearer, is not to make as many as will be paid for, but as many as will sell at an artificial price. As I once remarked to a friend at the time of the strike of the tailors, who demanded a fair day's wage for a fair day's work, the tailor had no demand for coats made at the higher rate of wages; but if the men would accept 3*s*. 6*d*. instead of 5*s*. daily, and make coats that would sell for proportionately less, the buyers would not wear their coats so long, and all the tailors would be able to find work; but if they insisted upon having 5*s*., and the masters employed some of the men at the higher rate, the rest would have to go to the workhouse. A clerical friend exclaimed 'Shame!' and said the master ought to maintain them all; but if that view were insisted upon, who would go into business? Mr. John Morley and others seem to forget that if by making goods only four days a week you make them dearer than they otherwise would be, other traders would do

Digitized by Google

the same, and so everything the workman buys with his wages would be dearer. The real policy is to produce as much as can be sold. Mr. Chadwick has given excellent advice. We must abstain from loans; we must make as much wealth as we can for the purposes of exchange; and then comes the great force of all—we must imitate France. I call France the heroine of political economy, for the origin of all wealth is saving, making more things than you consume, and in the employment of these extra things as material for fresh work. That is the only process that will bring you round. A certain number of these mills never will be employed again: they must pay the penalty of the waste and destruction and over-consumption that has occurred in the past. Wealth consists in things made: make as many things as you can. But, above all, save. Drinking falls under this head of saving: if you could but save those millions! It is the things that make gin and beer that are destroyed and wasted, to produce little in man except what is evil. If half of these were saved in my sense, and turned into capital to make fresh goods, commercial depression would very soon disappear.

Mr. Wilson Lloyd (Wednesbury) said he could not concur in what Mr. Chadwick stated as to three bad harvests since 1871, and he was at issue with Mr. Chadwick as to the protective duties of the United States being the cause of the depression in trade, as in the States trade was more depressed than it was here. If the States were to abolish protection and to throw open their ports, we should not find much relief. Blast furnace after blast furnace had been blown out in America; and a friend of his, who travelled through the States in 1874, found the stagnation in trade more severe than it was here. Americans, owing to the falling off in demand in their country, not only were able to supply themselves with goods of home manufacture that we formerly sent them, but were now exporting their manufactured goods into our markets. The Americans bought largely from us in the years 1869 to 1870 in face of their heavy protective duties, showing that protective duties do not keep them from buying if they require our goods. Mr. Chadwick spoke of the increasing expenditure of the people in luxuries. No doubt this is one cause. When our workpeople had higher incomes, *i.e.* increased wages, they, instead of saving the increase, spent nearly the whole of it. This improvidence had aggravated the present depression in trade. Much of the capital of the country had been consumed in maintaining a higher scale of living than was formerly the case, as shown by the increase of imports since the year 1872. Another cause was the shorter hours of labour. This prevented our manufacturers from competing so successfully as hitherto with those of other nations, besides which it reduced the producing power of the community, and thus caused a further loss to the income of the country.

Mr. E. H. Gillieland (Cheltenham) thought there was great inconsistency between the alleged causes of depression and the suggested remedy. If he understood the Chairman rightly, over-production was a great cause of the depression of trade, and yet one of the chief remedies proposed by him was that the people at large should economise, and buy less.

Digitized by Google

Professor PRICE: The remedy consists in this, that the manufacturers should make their goods more suited to the demand, and there would then be no over-supply.

Mr. GILLIELAND: But the manufacturer and the trader, between them, are the only parties that can regulate that.

Professor PRICE: Clearly the remedy is a work of time.

Mr. GILLIELAND: How can decreasing the consumption take away the over-stocks?

Professor PRICE: Nobody disputes the excess of goods now. These particular goods clearly will not be sold for some time. If you make other and more suitable goods, there will be a further demand for this excess. No doubt you must find buyers for your goods; the only condition is, that they shall have something to give you for them.

Mr. GILLIELAND: The inconsistency I see is to recommend us all to decrease our expenditure, and that will assist in consuming the over-stock. We must not blame America for taking the money which we lent too freely to build railways, that now are found not to pay. It ought to be a lesson to us that all is not gold that glitters in America any more than elsewhere. But the inconsistency does not appear to me to be cleared up.

Professor PRICE: I do not say consume less, not at all. You have got a certain income, a certain quantity of goods belonging to you; do what the Frenchman does. Say you have 100*l.* a year; you spend it entirely upon yourself. What I meant by consuming less was for the future to spend only 70*l.* on yourself, and use the other 30*l.* in making increase of capital.

Mr. GILLIELAND: No trade can be prosperous to a nation which does not give a profit to both sides, and this is the case with the liquor trade. The amount spent on cotton goods in England is stated to be about fifteen millions, being only about one-tenth of what is spent in intoxicating liquors. Divert fifteen millions to the consumption of goods, and a great impulse would be given to trade. A man who throws money into the gutter may be considered a fool; but a man who spends it in drink, and then throws himself into the gutter, passes as a rational man.

Professor PRICE: I hope you do not think the inconsistency still remains.

Mr. GILLIELAND: I must say I think it does.

Mr. ALSAGER H. HILL (London) said the country could no longer afford to disregard the evidences of cheaper production in America, and the enormous development there of labour-saving machinery. Mr. Chadwick's Paper might be styled 'the "Rake's Progress," internationally considered,' for it showed that the employing classes had been studying their Mozelle instead of their Mill. When France was spoken of as the 'heroine of nations,' was it not meant to indicate the higher life of the individual Frenchman rather than the national tendency, which had been decidedly towards protection during the last few years. Much of the distress in this country appeared to result from a want of elementary knowledge of the laws of human life on the part of the working classes. To what extent were the great

Digitized by Google

masses of the industrial classes called into the councils of those who were earning the enormous profits mentioned in the Paper? If this country was to be saved from periodical crises, the people must be armed with economic truth. Very little had been done in the direction of conference and conciliation between employers and employed. We must content ourselves with less heroic remedies than those prescribed by Mr. Chadwick; this 'Rake's Progress,' written bold, must be applied to the individual, and the lessons of the last few years must be driven home in the spread of economic knowledge amongst the masses of the people.

Mr. F. D. Longe (Cheltenham) thought that political economists dealt with the question too abstractedly. He thought that the depression arose from particular crises affecting particular trades. He knew unions where there was no depression, where wages were high, and pauperism was diminishing; but within a mile there was the greatest distress, the labourers in the former case depending upon agriculture or trades that were brisk, and, in the latter, upon the iron trade or some other trade that was depressed. There might be great consumption in the making of new railways, which would be unproductive expenditure and loss of capital if the railways were not successful undertakings. If trains were run upon them and produce was carried, the expenditure on them would be productive; but if they were to be idle, of course the outlay was so much lost. (Professor Price: The point is that you are desperately poor in the interval before they pay.) Mr. Longe said, that when profits were high the labourers were naturally inclined to claim high wages; and now, when trade was bad, they were necessarily in danger of starving. The question was, how should labourers meet the great fluctuations which trade was liable to.

Colonel Oldfield (Dorchester) said the moral of the Paper and the discussion seemed to be summed up in the proverb 'You cannot eat your cake and have it.' An evil of the equal distribution of the property of deceased persons was, that it created a great number of unproductive consumers, who were increasing very rapidly, in whom ambition was crushed, and who were content to live upon their small incomes, producing nothing. A great number of persons living on small means, and not working, must impoverish a nation.

Mr. E. J. Watherston (London) said, if it were granted that the protective duties of America hampered the trade of this country, we should do well to consider where we should be when America became a free trade nation, for she possessed in abundance the raw materials of manufacture, and America herself was now depressed by her own protective system. Directly she adopted free trade she would compete more than ever with us in the markets of the world, for the simple reason that she had the raw materials, and, in the case of cotton, would save the costs and profits involved in its transit to and from this country. He had visited the manufactories of Pennsylvania, Massachusets, and New York, and had observed that the workpeople were more temperate than ours, and worked longer hours, averaging sixty to sixty-two hours a week. He was afraid we should have to give up the Saturday half-holiday, which he believed did more harm than good, for when a man left off

Digitized by Google

working he began to spend his money unproductively. Mr. Lloyd, however, could scarcely dispute that our depression was partly due, as stated, to competition with the United States, any more than he could deny that if Cheltenham were a large manufacturing place, and Bath a large consuming place, and Bath suddenly shut its doors against the products of Cheltenham, there would be a corresponding depression in the trade of Cheltenham.

Mr. Lloyd: I did not say that if you cut off the demand of one country, the manufacturing country would not suffer. I said this: 'depression exists in America.' This discussion would be quite as interesting there as it is here; the manufacturers there are suffering precisely as ours are—and perhaps worse.

Mr. Frederic Hill said that, if Mr. Watherston could have stated that there was some degree of prosperity in America, it would have been interesting to learn what were the differences between America and this country, in relation to the habits of the people, and anything else that might affect that difference; but, seeing that the depression was common to the two countries, and was even alleged to be greater in America than it was here, it did not help us much to learn that the American workpeople were more sober than ours, and worked longer hours. He had expected to hear in the discussion some champions of the wonderful discovery that the best way to increase the wealth of a country was to stop production. It would be highly advantageous if there were some means of enlightening the public as to the positive condition of great undertakings. The Glasgow Bank was believed to be a prosperous concern until the day the crash came. Instead of a compulsory audit, as proposed by Mr. Chadwick, he would prefer a voluntary audit, like that established by the last Act relating to Friendly Societies, by which a moderate number of members, by joining in an application, could obtain an examination by Government auditors into the state of their affairs. This clause of the Act had by no means been a dead letter, and was working very satisfactorily. By its means all the benefits of a compulsory audit were, in his opinion, obtained without the attendant evils.

Mr. Stephen Harding (Bristol) thought the depression was only partial, and in certain trades. He doubted the accuracy of the statement that labourers' wages were down to 13*s.* 3*d.* in this year. In agriculture wages had risen, and had not yet been reduced. Money spent in drink was not lost; it still existed in large breweries and distilleries They were the bank of the labouring man—a bank that paid no dividend—a sinking fund. To talk of producing things that were over-produced already was an absurdity; it was asking us to expend 1*s.* in order to get 9*d.* What we wanted was to equalise production. The money spent on the American railways was not lost. During the production of the iron rails did not our working men live well?—(Professor Price: 'That is what they did')—There was prosperity during that time, and there would be again. The railways were still worth what they cost. The British capitalists had almost committed suicide by encouraging foreign loans; but the expenditure on American railways was stimulating the import of corn and beef into this country to

Digitized by Google

such an extent that the agriculturists of this country were being ruined.

Mr. William Storr (London) said that, although the figures relating to the trade of the country were large, the difference between profit and loss was probably a comparatively small margin; and it would be interesting if it could be ascertained what proportion of that was to be attributed to foreign competition. So far as our trade was affected by foreign competition, it was sometimes said that our goods were inferior to others in artistic design, and sometimes that they were depreciated in foreign markets by faults of workmanship, which were attributed to the neglect and bad faith of the British workman. In either case it rested with the employer to apply the remedy—to improve the design, and to supervise the workman. There was a third element in the quality of goods, which depended entirely upon the manufacturer, and of which less was heard because workmen did not participate in these discussions. It was the quality of the material used. The merchant received an order for an article at a price, without specification as to quality, perhaps from a colonial trader who trusted to English honour. The merchant, caring only for profit, ordered the article at the lowest price at which it could be made; the manufacturer executed the order, using the worst material; the goods went abroad, and did lasting injury to English trade. It was well known that, in this way, new markets were flooded with knives that would not cut, picks that would not dig, shares that would not plough, cotton full of size, silk mixed with cotton. In a Leicester paper, recently, it was avowed that a staple trade of the town was jeopardised by the wretched stuff put into elastic web. Sheffield supplied Australia with shears, at one time, of very bad quality. A manufacturer sent out good ones, and obtained a monopoly of the market. Sheffield still has the trade; but the capital employed in making the bad shears became unproductive, thus illustrating the Professor's address. If that and Mr. Chadwick's Paper involved a moral for individual application, it would follow that the manufacturer should not make an article on which he dare not put his name, and which may do permanent injury to his country's trade.

Mr. J. Stables (Horsforth) said that probably too large a proportion of the excessive profits of 1870–73 was sunk in increasing the means of production. (Professor Price: 'I said so.') We had now a sort of rebound; ('No doubt!') too much locked up as fixed capital. What was locked up as fixed capital was absolutely worthless.

Mr. Robert White (London) said that as to the audit of the accounts of companies, nothing more was required than was now obtained in the case of the great railway companies, who were obliged to publish their accounts according to a model form.

Mr. Edwin Chadwick, C.B., argued that one great factor against the revival of confidence was want of confidence, occasioned by such occurrences as the failure of banks and the misdirection of companies, and also by the conduct of the wage classes, who could not be depended upon for the performance of contracts. As against the first cause Mr. David Chadwick's Bill to amend the Companies Acts (which the failure

Digitized by Google

of the Glasgow Bank ought to carry) for the better security of investments in joint stock banks, was some remedy; and, as to the wage classes, by instruction in the elements of political economy, which would show them how much they were misled by their leaders, through disaster after disaster, which intelligence foresaw, and by their attempting to sustain prices against fallen markets and reduced consumption, which was only to be stimulated, as all experience showed, by reduced prices.

Mr. G. B. Lloyd (Birmingham) said that inflation was produced by a small margin of demand over supply; and depression by the opposite process, a small margin of supply over demand. A small margin would gradually produce a very large effect. One cause of the present depression was the dislocation of industry by two great wars. The American war caused the Americans to cease manufacturing and producing cotton, and caused the other three manufacturing nations of the world largely to increase their productive power, to fill up the gap. India, too, sunk a large amount of capital in preparing for the production of cotton. After a time peace was restored in America, and it set to work to recover its manufacturing power; and the other nations are proportionately affected. Then we have the Franco-German war. The two nations cease to manufacture, and England and America set to work to fill up the gap. At present, all are at peace, manufacturing as hard as they can, and each trying to push the other out. The immediate remedy would be for some of them to begin fighting again, though, of course, it would only aggravate the evil in the long run. The real remedy was time and patience. Inferior machinery would be pushed out of the market; people who had been losing money in one trade would turn to others which would pay, and they would then become customers again; the demand would increase, while the supply was diminishing, and better times would thus come round.

Mr. Chadwick, M.P., in reply, said he was very much obliged to Professor Bonamy Price for his able speech, which, as he understood, supported and illustrated the Paper. One gentleman thought it strange he should attribute our depression to the loss of trade with America, when American trade was as bad as our own. But when the Americans were making railways in the wilderness, we were supplying them with millions of tons of rails, for making which we built new rolling mills and blast furnaces; that was one cause of inflation, and the stoppage of the demand one cause of depression. He was not in favour of centralising Government superintendence of companies any more than was necessary; he only wished to insist that we should have efficient audits, that could be compared one with another. Everybody should be forced to give an account of his stewardship, and the form of the accounts should be uniform. The Bill which he introduced would, in the opinion of Mr. Cross, put the companies in this position, and he hoped to be able to carry it next session. As to the adulteration of goods, he was concerned in a mill containing 80,000 spindles and 10,000 looms, at which the question had to be discussed with the workpeople, 'Shall we stop, or reduce wages and divide the loss with you?' They would make goods with or without size if only they could

Digitized by Google

find customers. But they manufactured for merchants, whose business it was to find out what people wanted. If they would give higher prices they would get better goods. It was not the fact that all the mills over-sized; there were a few mills that never over-sized their goods. The only defect in the discussion had been that there was not a more numerous representation of those who contended that we must reduce supply in order to cure the depression as against those who affirmed that we should go on producing at an economical rate, so as to preserve our position and claim our share of the increasing trade of the world represented by the wants of the ten millions of people who annually come into it.

PROVISION FOR OLD AGE.[1]

What means can best be adopted to secure to the Wage-earning classes a due Provision for Old Age?

Mr. JAMES S. RANDELL read a Paper on this question. The writer first invited inquiry as to how far the existing friendly societies meet the provident requirements of the wage-earning classes, and whether their stability is such as to render it safe for these classes to depend on them for relief in sickness and provision in old age. He stated that the returns sent in to the Chief Registrar show the assets of a large number of the existing friendly societies to be inadequate to the claims that are maturing against them—and that there are many that cannot be relied on to fulfil their engagements to their members. In support of this statement the writer gave copious extracts from the report of the Chief Registrar issued this year. He added that we might presume the returns sent in to the Chief Registrar were from societies having the most confidence in their position; that these show a total of 2,892,634 members, 1,892,852 of whom are dependent on assets of less than 1*l.* per member. . . . The writer asks why the making of returns should be left optional with the executive of the friendly societies? That unsatisfactory as is the position the returns evidence, he fears they would show much worse if returns were before us from the large number of friendly societies who regard silence as the more prudent course. That for political economists to say the poor should be left to make their own arrangements and protect themselves is unpractical. They do not talk in this way relative to organisation for water supply, or other sanitary arrangements, for education, for savings banks, or any other general want. That the legal provision for destitution encourages incapacity and improvidence; and

[1] See *Transactions*, 1874, p. 794.

Digitized by Google

that we cannot hope to remove this debasing influence till we place within ready reach of the wage-earning classes the opportunity to secure themselves against want. The writer then proceeded to show that to enable and induce the wage-earning classes to *secure for themselves* a due provision for sickness and old age, we must open up to them an organisation for readily and securely assuring themselves against want. That for this purpose some easily accessible and beyond all doubt secure assurance is necessary. That to cover the risks of early and middle life (the years of work before capital is accumulated) this assurance must be co-operative. That it should be national, *that* being the strongest co-operation and the broadest, consequently the least fluctuating basis we can command. That the classifications should be numerous, so as to include all varieties of age and all degrees of health. That it should be tabled to meet the requirements of the highest as well as the lowest of the wage-earning classes (say from one to ten shillings per day). That the tables of payment should be such as to insure the society being self-supporting; and, beyond this, the guarantee should be national—as in the case of the Post Office Savings Bank—so as to make it as secure as the English Funds. That the value of property is advanced by the presence of a thrifty and saving population, and the public generally are consequently interested in securing to the wage-earning classes an organisation in which they may readily and securely garner their savings. That the omnipresent establishment, the Post Office, presents ready to hand the machinery for receiving weekly, monthly, or other periodical payments, and for handing over to members the sick-pay that may from time to time be certified to be due to them. That when the Post Office Savings Bank Bill was introduced, there were many who opposed it; and many predicted that the scheme would fail, that the people would be distrustful of the Government, and that the expense of management in the hands of Government would be very great, and that it must result in a loss to the State; but the result has given a complete denial to these forebodings. He then asks that a similar organisation be offered the working man in regard to his friendly society. He admits that a friendly society undertakes duties of a more complicated character than those of a savings bank, that it has to estimate the health and probable longevity of the persons proposing to join the society, and to investigate the claims for sick relief; that, like the savings bank, it has to receive payments and to make them, but that in each of these it is more exposed to imposition and fraud. But he claims that these

Digitized by Google

difficulties are by no means insurmountable, that there are medical men in every district competent to class applicants for assurance, and competent to investigate claims for sick relief. That to guard against the misapplication of sick relief cannot be less practical than to check the application of out-door poor relief, on which we disbursed in England alone for the parochial year 1876, 2,760,804*l.* With such a system of assurance covering the kingdom we might look forward with confidence to out-door relief becoming more and more restricted, and by-and-by to the present poor law becoming inoperative, and to its being regarded as an institution of the past. The amount expended for the relief of the poor in England in the parochial year 1876 was 7,335,858*l.* To save a considerable portion of this amount to the ratepayers is desirable, but it is far more important to deliver the wage-earning classes from their present temptations to improvidence, and to put within their reach some organisation for securing provision for sickness and old age. By so doing their physical welfare, their intellectual and moral status, may each be served, and in many thousands of homes grateful thanks would arise for the blessings that may by its agency be brought to those homes.

Mr. T. D. Galpin, of the firm of Cassell, Petter & Galpin, also read a Paper on the question.[1] The writer said: 'Can anything be done to improve the relations between employers and employed, and to enhance the profitable productive power of the nation? I think there can, by judiciously extending the system of payment by results, and by that and other means promoting a better state of feeling between the two classes. The hearty goodwill of the workmen, if it can be obtained, is of considerable value, and worth paying for. It is desirable, also, to attach to one's business those who, from length of service in it, have a special value. The tendency of workmen in the present day to flit from shop to shop is much greater and much more practicable than it used to be. With these conditions before us, then, Mr. Petter and I—for we had both long desired to adopt some plan by which the relations in which we stood as employers might be brought into closer identity with those whom we employed—set ourselves to devise a scheme which should in the first place cause our employés to feel that they were interested in some degree in the profits of the concern so long as they remained in allegiance to the firm; and, secondly, that their interest would

[1] This Paper has been printed entire by the Author.

Digitized by Google

increase in proportion to their length of service. The result was a scheme by which our firm undertook to set aside yearly a fixed but undisclosed proportion of our profits, which amounted in the first year to 600*l.* This provides an insurance fund payable to our employés in case of incapacity or retirement after sixty-five years of age, or to their representatives in case of death. The amounts vary in proportion to the rank of the employé and to the length of his service in the employ of the firm, thus:—

Consisting of	Amount after service of		
	7 Years	14 Years	21 Years
Class	£ s.	£ s.	£ s.
I. Overseers and Managing Clerks	50 0	75 0	100 0
II. Sub-Foremen and First-Class Clerks . . .	37 10	56 5	75 0
III. Workmen, Workwomen, and Clerks . . .	25 0	37 10	50 0

'These amounts have been settled by an eminent actuary upon present data, but of course they are liable to increase or decrease, according to fluctuations in the results of the business. It is distinctly understood that these benefit arrangements are free gifts, and purely voluntary on our part, and may be withdrawn by us either wholly or in any particular case, should we see reason for doing so, and that the scheme is in no way to hamper us in engaging or discharging our employés, or in giving effect to such regulations as we may consider necessary for the proper conduct of our business. On the other hand it will in no way affect the amount of wage paid to each employé, or his or her advancement in the house. In devising this scheme we were actuated by two motives. One was to reward the faithful allegiance of those of our workpeople who had already served us long and well. Many of them had been with us from the foundation of the house. Nearly 200 were immediately eligible to participate in the benefits of the scheme. Our second motive may be generally expressed as a desire to maintain and increase the good feeling which has prevailed almost uninterruptedly from the earliest days of the house. The scheme has been widely discussed aud criticised in the press, both here and abroad; and, since we introduced it in our works, we have learnt that arrangements upon a similar principle have for some time been adopted in more than one large printing office in France.' This good feeling may be

Digitized by Google

promoted in several different ways. It would prevent strikes, as leaving the service would forfeit all claim to a share in the benefit fund, and by that means would be a check upon causeless and careless changes in the staff. The prospect of sharing in the fund would encourage co-operation, and have its effect indirectly on the quantity of the work done, the workmen one and all feeling an interest in the general welfare of the firm, by promoting economy and preventing needless waste. The writer says: 'The scheme has now been in operation for about a year, during which time several claims have arisen, some of them so unexpected as to make manifest the advantages of so provident a fund; and, what is one of the great advantages of the scheme, the money is paid when it is most wanted and most useful.' In conclusion the author was aware that the scheme is not adaptable in its precise form to all manufacturing firms; but he ventured to hope that it may be of use to many. At any rate, if it can in however slight a degree be useful in helping forward the cause of goodwill amongst men, it would be an advantage.

DISCUSSION.

Mr. Joseph Brown, Q.C., said he hoped that the noble example set by Messrs. Cassell, Petter & Galpin would be followed by large numbers of other employers of labour, for there could be no doubt as to the beneficial effects of it. There was not any difference of opinion as to the desirability of 'securing to the wage-earning classes a due provision for old age.' It was just as desirable to make due provision for cases of accident, or disability, or sickness, as it was for old age, but Mr. Randell had studiously confined his Paper to old age only. Mr. Randell, in contemplating the provisions that were made by the working classes themselves for old age, as well as for sickness and disability, found fault with them, first, because of many of their arrangements of payment being improvident—the societies became insolvent, and unable to meet the demands made upon them; and, secondly, he found fault with their extravagance of management in many instances. The remedy he suggested was that the Government, through the Post Office, should take the whole business of 40,000 or 50,000 friendly societies spread over the kingdom, and provide a guarantee fund, and administer the business in the cheapest possible manner, so that the working classes might be sure of receiving some provision, however small it might be, in old age; and Mr. Randell very consistently extended his wishes to the cases of sickness, and disability by accident. The first thing that astonished him in Mr. Randell's Paper was this, that he made no allusion to the fact that, some five or six years ago, this whole subject, and more particularly the scheme that he advocated, was made the subject of the most searching investigation in Parliament. A very elaborate report had been issued in two large folio volumes, the greater part of

Digitized by Google

which he had read and considered. The scheme now propounded by Mr. Randell was really to take the administration of all the friendly societies' funds out of the hands of the working classes, and to put them in the hands of Government officials. This was not a new scheme, for it was propounded forty years ago, and had been more or less under the consideration of the public mind ever since. The Committee of the House of Commons heard an immense deal of evidence from the most competent men in the kingdom, and collected the most valuable body of information that was ever got together on the subject, and yet there was not even a small minority to make such a recommendation as Mr. Randell now put forward. What were Mr. Randell's objections to the friendly societies as they at present exist? He said that some of them, but he did not say how many or what percentage, failed through their payments being in excess of the money subscribed, and possibly also through the expense of management. He would have liked to have heard from Mr. Randell what proportion and what percentage of these friendly societies broke up through the miscalculation of their rates of payment, whether one or two or three per cent.; and what proportion went on to the end—whether it was not sixty or eighty per cent. as compared with the failures; and with regard to the expenses of management, which Mr. Randell truly alleged were very excessive in some instances, he should like to know what proportion among them had a moderate rate of expense. It was perfectly true that some of their meetings were held in public-houses, and others had the vicious feature that members were expected to spend a certain amount, for the benefit of the house, upon liquor. Of course it was very desirable that all that should be done away with, but if we were to do away with that we should do away with a good many of the friendly societies. A large number of working men were only induced to join by having friendly meetings once a month, and having a friendly glass amongst them, which did not imply excess. We must take the working classes as we found them; but, when Mr. Randell complained that the Government treated these friendly societies, and what might be called the friendly societies of the middle and upper classes, differently, he entirely denied the assertion. The Government treated all alike by leaving them all to manage their own affairs, which was an English way of doing the matter. If Mr. Randell investigated the accounts of the insurance societies of London—those that insured life and insured against accidents—he would find the same difference in the expense of management of the different societies as he found in the case of friendly and benefit societies. The figures for the last twelve months showed that the expense of management of some of the life insurance societies varied to such an enormous extent that, in the case of the London Life Insurance Company, which was one of the oldest and best managed of any, the expenses of management did not amount to five per cent., while in the case of other societies, and one in particular, the expense of management was fifty per cent. on the premiums. He very much questioned if any friendly society could be charged with such an excess of expenditure as that. There were more than 30,000 registered friendly societies; the number of unregistered friendly societies was,

Digitized by Google

in all probability, equal to the registered societies; the number of members belonging to them was certainly not less than 3,000,000; and if we included the wives and children depending on them, there were probably 12,000,000 altogether, of old and young, interested in friendly societies, all of whom manage their own affairs. In the place of these societies, Mr. Randell proposed to substitute one gigantic, colossal, national benefit society, to be managed by the Government, who would receive the funds and subscriptions, and guarantee the payments. This was not the English way of doing things. Our custom was to leave people to manage their private affairs, and especially those connected with their own pecuniary interests; and it would be extremely mischievous to deprive the working classes of the opportunity of training themselves in habits of providence, which were of the greatest possible importance. The third Napoleon had done what Mr. Randell wished the Government to do; but this was a French paternal system of government, very unlike ours. The great majority of the friendly societies in this kingdom provided for old age, and not only total inability, but partial inability to labour, and especially in the case of sickness; those which did not provide for these cases would never meet the wants of the working classes, and the working classes would never subscribe to any such scheme. Napoleon introduced the scheme because the working classes were the support of his throne, and it was his interest to conciliate their goodwill on all occasions, and he did so by spending millions in the decoration of Paris, for the purpose of keeping the working classes in good humour, and also to establish the national system of provident societies. The French tables for subscriptions for all working men were pretty nearly the same, and if the French system were introduced into this country, it would prove a failure on that account alone. The practice of having different subscriptions for different trades was started because the risks which men run of total disability and accident differ so much in different trades, that a subscription of 2*d.* per week would do in some trades, whilst a subscription of 6*d.* per week would prove insufficient in others. The difference is such, even in the same trades, that it requires a subscription among the Welsh miners of twice as much per week as is paid by the Northumberland and Durham miners; and there was not a trade in the country that did not require a special rate of payment applicable peculiarly to itself. He did not see the possibility of any Government system, such as Mr. Randell suggested, that would not necessitate an universal rate, such as the French Government provided. Otherwise, the Government must necessarily inquire into the conditions of every trade, in order to fix a rate peculiarly applicable to each, and go into an infinity of detail which would involve great expense and a large staff to do it. Napoleon's Government was not so absurd as to allow the national system to provide what the friendly societies do, viz.—for sickness and partial disability, which occur very much more than total disability or old age. The reason for that was that it was found by experience to be perfectly impossible to prevent fraud on the part of members claiming for sickness and partial disability, without having an investigation of every case, conducted on the spot, and conducted more-

Digitized by Google

over by the people who are interested in preventing a member from coming on the funds. This was a duty that no Government could possibly undertake, unless it had a staff all over the kingdom, the expense of which would exceed threefold what was now expended by the friendly societies among themselves. That was why Mr. Randell did not venture to add to his provisions for old age provisions for sickness and partial disability—cases which were ten times more numerous than the others, and without which no society would be worth a dump to the working men. In very many trades—such as mining, and others—they would not be induced to join any National Fund unless this provision was made; and if it were made, he had shown that the Government could not manage it. These were some of the reasons why the Parliamentary Committee, who heard the fullest evidence and reported upon it, thought it utterly impracticable to attempt any such national scheme as Mr. Randell had suggested. The proper and natural course was to let the working classes take care of themselves, and give them every encouragement for so doing. Parliament, acting on the recommendation of the Committee, passed a Statute, 39 & 40 Vict., cap. 60, which gave the members of a friendly society the power of having its assets and liabilities investigated by a competent and experienced actuary, or a public auditor, for the purpose of seeing whether it was solvent or insolvent, and whether the working man could subscribe to it safely. But Parliament did not think it expedient to compel any friendly society to adopt that course, and for the same reason that it declined in the case of public companies and joint stock companies to compel any public company to submit to an investigation of its pecuniary affairs, with a view to ascertaining whether it was solvent or insolvent, although it conferred on a certain number of the shareholders the power of requiring an investigation if they should think fit. That was the conclusion that the Committee came to after the most elaborate investigation, and the examination of actuaries and members of the working class, and it would be very rash for any society to come to any other decision on the subject than that arrived at by the Parliamentary Committee.

Mr. J. S. Randell (Corsham) wished to point out that he contemplated providing for sickness as well as old age.

Mr. William Botly (London) contended that permissive legislation for friendly societies should be made compulsory in all cases. It was not very likely that any club or bank, or any establishment that was in a shaky condition would seek to have an investigation of its affairs. The expenses of holding club meetings at public-houses was very great.

Mr. E. J. Watherston (London) said that 25 per cent. of the schemes were absolutely ridiculous, 10 per cent. were visionary, and he was not sure whether 99 per cent. were not impracticable. The scheme of Mr. Randell would require a very large staff to carry it out. Mr. Galpin's scheme might be carried out admirably by a large firm, but it would not be practicable as a great national undertaking. For instance, if the clerks of the City of Glasgow Bank had promised them 20*l.* after seven years, 56*l.* after fourteen years, and so much after thirty

Digitized by Google

years' service, they knew that the result would have been visionary enough. There was always the apprehension that firms of gigantic magnitude might eventually get into difficulties. He considered both schemes impracticable; but there were practicable schemes; (1) why could not the wage-earning classes own a little more of the land? (2) Why should not poor people be encouraged to buy scrip in loans guaranteed by the rates, such as the Metropolitan Board of Works, School Boards, &c.

The Rev. Brooke Lambert: The gist of the two Papers seemed to be that Mr. Randell's proposed to make provision for old age by giving perfect security to investment of savings, and Mr. Galpin's to secure the same object by giving the workmen an interest in their work. Even as a matter of investment only, he preferred leaving the working classes to take their own measures. But as a matter of moral training he infinitely preferred the proposal to make the provision for old age depend directly on their work. Having noticed some of the difficulties of Mr. Galpin's system, he emphatically endorsed the general value of the scheme, giving instances of cases where a sense of interest in the work had increased the efficiency of the workmen.

Mr. F. G. P. Neison (London) said the principle of the scheme propounded by Mr. Randell was as old as the hills. So far back as 1771 it was advocated by Baron Maseres that there should be a national system of life annuities in parishes for the benefit of the poor. The great point in the measure, and which afterwards ensured its rejection, when having passed the Commons it reached the Lords, was, that if the funds subscribed by the members proved inadequate the parish rates were to make good any deficiency. In 1786 the Rev. John Acland brought forward 'A plan for rendering the poor independent of public contribution, founded on a basis of friendly societies.' This was an elaborate scheme, and met with a deal of attention. Membership was to be compulsory on everybody in the kingdom, though only persons of a certain status were to be eligible for the benefits. All subscriptions were to be collected by the churchwardens after divine service on Sunday, evidently with the idea of enforcing attendance at church as well as enforcing provident habits; but this conjunction of good things proved rather too much for the people. Pitt's Poor Law Bill of 1796 provided for the establishment in parishes of a 'Parochial Fund,' the great utility of friendly societies being recognised by the members thereof being allowed to subscribe to this State scheme on reduced terms. Bentham, in his 'Pauper Management Improved' recommended the establishment of a 'National Frugality Bank,' and since then on several occasions measures have been introduced into the House of Commons for the creation of a national system of assurance against sickness, poverty, and death. The most noted in recent years was undoubtedly Lord Shelburne's Bill in 1862 for the promotion of Parochial Friendly Societies. Referring more particularly to Mr. Randell's proposal, Mr. Neison expressed an opinion that it was too late in the present generation to talk of any scheme of assurance for the working classes which was not practically worked by themselves. The influence of the existing

Digitized by Google

friendly societies, embracing as these organisations do more than a fourth of the population, was so great, that to talk of superseding them by some State machinery was ridiculous. The success of the Post Office Life Assurances had not been such as to encourage any further extension of the principle of State assurance. However, there was a still further objection that went to the root of all national systems of granting the benefits usually undertaken by benefit societies, viz., the insuperable difficulty of guarding against imposition in the sickness risks. The very life of a friendly society depended on the maintenance of a stringent supervision over the sick members; but if this was difficult to attain even in organisations in which laxity of administration manifestly implied increased local taxation, much more difficult would it be when increased expenditure was not palpably borne by those immediately concerned in its creation. Sickness risks over a large area had been tried by more than one joint stock association, but always with the same result, lamentable failure. Within the last few years the friendly societies of this country have vastly improved, and instead of considering whether or no any workable plan of superseding them could be adduced, the more sensible policy would be to devote the same energy to still further improving the organisations we have.

Mr. W. Layton Lowndes (Broseley, Shropshire), said the great thing that was wanted was to inculcate habits of thrift, and to teach the working classes to lay-by from their earliest age, and when that habit was once formed it was easily carried out in after-life. A great deal could be done in country parishes and in towns by encouraging small savings—in the first instance by penny banks.

Mr. E. K. Fordham (Baldock) said when he recommended his agricultural labourers to lay-by for their after wants, he could not recommend benefit societies, because almost all benefit societies failed to complete their engagements with their members. If the matter was undertaken by Government, and an annuity were provided—say at sixty years of age, it would not be expensive, for the process was quite simple.

Mr. Frederic Hill (London) said it did not seem to be generally known that annuities could be purchased through the Post Office at the present time with the undoubted security of Government. Owing in part to the fluctuations in the wages of many of the working classes, the habit of saving was but little cultivated by them; the largest body of depositors in the savings banks being those whose wages though lowest—those in the receipt of the smallest income, the agricultural labourers and domestic servants—were least liable to change.

Mr. J. S. Randell, in reply, agreed that we do harm by doing for others that which they could do for themselves. But the question was, how were persons who were in the position of subscribers to friendly societies to obtain reliable information as to the stability or insolvency of the societies that they subscribed to. Mr. Brown was under a misapprehension in supposing that he only proposed relief for old age, for he had expressly stated that it was to secure due provision for sickness and old age, or any incapacity from earning bread by labour.

Digitized by Google

The fact that similar measures had been thrown out by Parliament was no argument for not bringing forward a proposal at this meeting, for it often happened that those persons who were most bitterly opposed to a reason afterwards supported it. As to the number of societies that had failed, he had not complained of any society too much, for he had quoted Mr. Tidd Pratt in support of his statements. Mr. Brown had referred to the Emperor Napoleon's Insurance Society, but for his own part he locked upon that society simply as a *douceur* to the wage-earning class, and not as founded on economic principles. He had not advocated insurance without classification with regard to the labours in which the people were engaged, or to their age and health; and he had not proposed that any man should be obliged to join a national society. He proposed that the association should be voluntary.

Mr. T. D. GALPIN also replied, and met the objection that a firm might fail and swallow up the funds by the remark that in his case there was a separate fund, having no connection with the liabilities of the firm. If he had been asked to submit a system for universal application, he should have read a different Paper; but he had been merely asked to read a Paper about his own fund, the principles of which had been found useful in a great many firms.

The CHAIRMAN (Mr. David Chadwick, M.P.) closed the discussion. He said Mr. Randell's National Provident Society Fund would be found impracticable in the working, for investigation of cases of sickness and ill-health could not be made the subject of inquiry by Government officials. The scheme of Mr. Galpin was one which might be fairly extended. If the friendly societies were to remain as they are at present, and they made all their payments by cheque, even to the extent of 5*s*., and a strict supervision were exercised, it would be a great step towards the prevention of fraud.

Provident Medical Clubs and Dispensaries.
By FREDERICK TOWNSEND, F.L.S.

I DO not propose to bring forward at length the various reasons for supporting the scheme of Provident Medical Dispensaries and Clubs. The system, first established by Mr. C. L. Smith, M.R.C.S., in the village of Southam, in the County of Warwick, is now so well known, and so universally admitted to be founded on right principles, that I need only briefly indicate the object proposed, viz.: to provide medical advice and medicine for the working man, his wife and children, at a very small cost. It has been proved that this object can be attained by establishing dispensaries and clubs on the mutual assurance system; but it must be distinctly borne in mind that in order that they should work efficiently, they must be on a very large scale, and that they must include as much

Digitized by Google

as possible, if not the whole, of the population for whose wants they are devised. In large towns it is found that one or more dispensaries, established in the town itself, work well; I may instance the towns of Hastings and St. Leonards, Coventry, Warwick, Oxford, Newbury, Northampton, Shrewsbury, with many others; but in agricultural districts, where the populations are scattered, and where medical men reside in villages as well as in the country towns, it would often happen that a labouring man would have to go six or more miles to a dispensary in the nearest town, while the doctor who is attending him may be resident in his own village, and even near his own cottage door. For this reason, the medical man's residence is frequently the most convenient place of meeting, both for doctor and patient, as well as for the dispensing of medicine.[1] Again, in large towns, with several thousand inhabitants, there might be a sufficiency of resident members to make the institution a paying one to the medical men; whilst in a country parish, with its population of from 300 to 400 or 1,000 inhabitants, there could not be such sufficiency, hence the necessity of a Provident Medical Club, embracing several parishes, in order to make it a paying concern to country practitioners. The question now arises, how large an area should be included in a country club? Before this question can be answered, it will be necessary to consider what is the average distance between the residences of medical men in country districts. My own inquiries lead me to place this at about four miles, so that every medical man resident in the country would have a circle of patients extending, at least, over a radius of four miles, with his own house as a centre; his own practice overlapping that of his professional brethren in several directions, hence the great difficulty in determining the limit of the area of a Provident Medical Club, and a plea for establishing it over as wide an area as can be found workable with ordinary convenience. Wherever we place the limit, it must always happen that outside it there will be many who will think it hard that they are excluded from the benefits of the club; but the wider the area the more the benefits will be felt and acknowledged, and the greater will be the desire to extend them throughout the kingdom.

[1] The following extract from the 'Report of the Sub-committee of the Birmingham Joint Medical Committee on Provident Dispensaries,' Birmingham, 1878, will show that a similar plan has recently been recommended even for towns:—'Your sub-committee find that in those towns where one or more dispensary buildings are provided, and one or more dispensers employed, the amount divided amongst the medical officers is comparatively small and quite unremunerative; they therefore recommend that attendance shall be given to members only at their own homes, and *at the house* of the medical officer selected; that the surgeon shall supply the medicines,' &c.

Digitized by Google

In the county of Suffolk, a Provident Medical Club has been established for the area of the whole county, and it aims at providing every member with medicine, and a choice of any medical attendant within, as the farthest distance, four miles of his own house, but the greater number of members would be, of course, very much nearer. The staff of medical men in the Suffolk club is at present 65 in number. There are in the county, 1,484 square miles, so that at a rough calculation of averages, there would be at the present time one medical man to every area of somewhat less than five square miles.

And now, as regards the scale of subscription for benefit members. It is evident that it is desirable to have the same scale of payments for the whole country, but this is far from being the case, and hence another plea for co-operation. I have here a table showing the different rates of payment for 16 Provident Medical Clubs and Dispensaries in different parts of England. The table shows that for a single individual the yearly payments vary from 4*s.* 4*d.* up to 6*s.*

For a man and his wife from 8*s.* up to 10*s.*
4 children, in addition, from 8*s.* 8*d.* up to 18*s.*
9 children, in addition, from 8*s.* 8*d.* up to 26*s.* 2*d.*

Surely this great difference in the scale of payments in existing clubs, where the circumstances are similar, points to a very arbitrary or faulty calculation of costs and remuneration to the medical men, and to an ignorance of the laws on which such clubs are founded. The consequence is that some of these clubs are flourishing, whilst others are in a state of decay, and are even worse than useless, because they bring discredit on the system which, if properly carried out, is certain to succeed, and to prove an inestimable boon to the working classes, for the mutual assurance system is acknowledged to be a sound one. After well weighing the various scales of payments, I think that the scale adopted by the club lately established for the whole county of Suffolk will commend itself as the most satisfactory one, and it has this guarantee that it is the only one, so far as I can ascertain, which is registered under the 'Friendly Societies' Act.' Towards the latter part of 1877, I obtained the rules of as many as I could of the *existing* Provident Medical Clubs and Dispensaries, with the view of starting one in my own neighbourhood—an agricultural one—on as sound a basis as possible, and the scale ultimately adopted was the Suffolk one. The Medical Committee of the Charity Organisation Society, in their model rules for Provident Clubs and Dispensaries, published in June last, propose a higher scale of

Digitized by Google

subscription, with a view to include persons whose average gains do not exceed 40*s.* a week. This higher scale does not appear to me to be adapted to the scanty purse of the agricultural labourer, whose average gains do not exceed 20*s.* a week, and for whom the Suffolk scale is proposed; but as the wants of the artisan and others in receipt of a moderate income should not be forgotten—and I find by inquiring that they are quite ready to pay a higher rate of subscription—I can see no reason why these classes should not be admitted, and I would propose two scales of payment, one for the labourer and those whose average gains do not exceed 20*s.* a week, and another scale for those whose gains exceed 20*s.* but do not exceed 40*s.* a week. The Suffolk scale is excellent for the 1st class; for the 2nd class I would propose a yearly subscription of 7*s.* for a single individual, 12*s.* for a man and his wife, and 2*s.* for each child, five children only in one family being charged for where the number of children exceeds five. The subscription for a man, his wife and five children, would at the proposed rate be 22*s.* a year, which would be the highest charge for any family in which the ages of the children did not exceed 14 years.

Working men are as yet very generally ignorant of their power to establish for themselves the means of obtaining efficient medical advice and medicine in the neighbourhood of their own homes, and at a small cost, by joining together to form medical clubs on the mutual assurance system. If they were united on this subject, and would recollect that the payments, being so small, must necessarily be very numerous, in order to make the club remunerative to the medical men—that these payments for a similar reason should be made in time of health as well as in time of sickness—that when in full health and strength, and not wanting the doctor themselves, they would hardly feel the small cost of the annual subscription, and would have the satisfaction of knowing that they were virtually helping their sick neighbours, and were supplying them with the means of obtaining medicine and attendance—that if sick themselves they would be provided with the same help without any extra cost and without the fear of a doctor's bill—if, I say, working men would recollect all this, they would be thankful that they had the power of obtaining these advantages, and they would embrace an opportunity of enrolling themselves as members of Provident Medical Clubs. They may rest assured that, if properly supported, these clubs would be sufficiently remunerative to the medical men, who would gladly attend the members, and be ready to dwell among them.

Digitized by Google

Dr. James More, of Edinburgh, says[1] that he knows some country doctors who derive an income from Provident Medical Clubs, which, with private practice, yields a total that would bear comparison with many Metropolitan incomes.

Mr. Samuel Waters, Hon. Secretary of the Suffolk Medical Club, in a letter written recently, informs me that he has not heard from any of the medical men one word of complaint of amounts handed to them quarterly, but one expressed his regret that by not having, in the previous quarter, given his adhesion to the club, he should lose some 10*l.* per quarter.

What I wish, then, to bring especially before this Congress is the great desirability of promoting the establishment of such clubs, on an uniform scale of payments, and worked in an uniform manner all over the country, and especially amongst our agricultural population; that to this end the few and scattered existing clubs should unite together to promote this uniformity, and that all who are interested in the welfare of our working classes should unite to establish such clubs on the same uniform basis.

And now a word as to the advisability of giving to the members the choice of medical attendant. In most clubs such choice is accorded, but in some it is denied. It is described to me by the Secretary of the Suffolk club, Mr. Samuel Waters, as 'the sheet-anchor of its success, without which the club could never have been established.' The most enlightened of our medical men see the choice to be desirable, not only because it renders the working man a free agent, placing him above the rank of a pauper, and, therefore, tending to raise and ennoble him, but also because the most able and hard-working medical man will be the most popular, therefore the most employed and the best paid, and that within himself will rest the power of gaining the confidence and esteem of his patients, of increasing their number and his own source of profit. In the eyes of the poor the country practitioner would also become raised in his position, for out-door pauper relief would become diminished, and he would become the chosen medical attendant and benefactor of a free and more enlightened class—of the hard-working labourer or mechanic, honestly supporting himself and family.

Mr. Lawson Tait, F.R.C.S., says,[2] 'It is sincerely to be

[1] 'A Lay Sermon on Clubs and their Doctors,' by James More, M.D. London: J. & A. Churchill. 1878.

[2] Paper on 'Provident Dispensaries.' London: G. Bell & Sons, Covent Garden. 1877.

Digitized by Google

hoped that the medical profession will see that their interests are here quite coincident with those of the public, for while it must be admitted occasionally a good private patient may be admitted to the benefit of provident membership, it must be borne in mind that if the scheme is made successful by the loyalty of the doctors, it will not only entirely prevent the distribution of medical relief to improper recipients, but that it will practically put an end to the entry of those bad debts into the medical ledger, which so many of my brethren have to deplore.' He also remarks that 'by introducing, into the houses of our industrial population, skilled attendants, whose chief interest will be to diminish and prevent disease, provident clubs and dispensaries will do a great deal to advance sanitary improvement.' Who, that has been among the poor, does not know the usual answer, when he visits a family in which one of its members is ailing, and asks, 'Have you seen the doctor?' 'No, sir,' followed by some most inefficient reason, except it be the fear of a doctor's bill! It is now generally admitted that 'preventive medicine is the great field of labour,' and no more efficient weapon can be placed in the hands of the medical man than exists in this movement (viz., the establishment of provident medical clubs and dispensaries) 'for correcting those numberless errors in hygiene which exist in the houses of the poor, and which arise solely from ignorance.'

I would now consider the question, how far can we expect Provident Medical Clubs to be self-supporting? And if they cannot be this entirely, how far the management should be in the hands of the benefit members? It is quite possible that these clubs may ultimately become self-supporting, but that time is far distant as regards their establishment in the country on this principle, and I almost question its desirability, at all events for the present. In large towns the case may be different. The club lately established in Birmingham is said to be self-supporting. I have said, the working classes do not know their own power, or Provident Medical Clubs would be more general; but neither have they yet learned the value of thrift, and a large number of them in country districts can but look, alas! to the Union as the home of their old age, and as their support in sickness; therefore it is not likely that they will inaugurate Provident Medical Clubs without help from those who have studied the subject in its social science aspect, and who have some knowledge of the machinery necessary to place such clubs on a sound and satisfactory basis. And the working classes themselves should not scorn such help, even if held out to them on this plea, nor should they refuse it, if given

Digitized by Google

in a more substantial manner, viz., in raising an honorary fund to defray incidental expenses. I hold it to be a pleasure and a privilege to help the poor to help themselves, and help given in this way should tend to draw classes together, not to separate them. We may desire as much as possible to do away with out-door medical relief from the Union, but we should not, therefore, wish to do away altogether with private aid; we should seek to give it judiciously and where it is needed; we should only deny it where it would be squandered, or where it would tend to destroy the effort of self-help.

It is, I am convinced, advisable to let benefit members have a voice in the management of provident clubs, either by each having a vote at a general election or at a parochial election of secretaries or stewards; and where this privilege has been allowed, it has been found that business is in no wise hindered, and valuable hints are often gained from benefit members which may tend to the well-being and efficacy of the club.

It is a very common remark that benefit clubs, such as the Odd Fellows, the Foresters, and the recognised registered local clubs, provide for the working man in time of sickness, and that it is better to support these, and not to weaken them by the establishment of Medical Clubs and Dispensaries; but those who make this remark cannot be aware how strict the examination is before a man can be admitted into these clubs, and how large a number of working men are disqualified by constitutional defects, accidents, or other causes over which they have no control, many of them quite equal to earning their bread by labour and supporting their wives and families, but without the power to lay by for a rainy day and for the time of sickness which, sooner or later, will probably come upon them. To such men the Provident Medical Club is an inestimable boon, for they are admitted without examination, together with their wives and children, if not actually sick at the time of entry; and if any member of the family be sick, a small extra fee is all that is required in addition to the usual quarterly payments. Nor have those who make the above objection taken into consideration that benefit clubs do not admit the wives and children of their members, who are thus unprovided with the means of obtaining medicine or medical advice in time of sickness without the fear of a long doctor's bill. That the want is felt by the most deserving is shown by the readiness with which men who are members of benefit clubs subscribe to a Medical Club for their wives and children. My own experience teaches me that these men are the first to join. Again, benefit societies are invited by Provident Medical

Digitized by Google

Clubs to become subscribers, their members becoming entitled to all the benefits of the institution on payment of the same—or in some cases a smaller—subscription for each member. The Coventry Provident Dispensary issues such invitation; the Birmingham, the Oxford, and the Leamington Dispensaries do the same. The advantages held out to benefit societies thus joining are the privilege of choice of medical attendant, and sometimes the payment of a smaller annual subscription.

A word as to paid officers—district secretaries, stewards, or collectors. Paid officers may not be necessary for a small club extending over a few parishes only; but where the field of work is larger, and many parishes, or even whole counties are included, it is essential to have loyal and business-like workers, and experience teaches that these qualities are more generally obtained when work is paid for than when it is undertaken voluntarily. The salaries would not be large, and it should be left to the managing committee to determine the necessity for paid work and the amount of salary. The salaries should come out of the honorary fund, which will be well able to afford to defray them if the area of the club be large; if the area be small, it will be found more difficult to raise an adequate fund; hence another plea for extended co-operation.

In conclusion, I would suggest that the people of Gloucestershire, Worcestershire, Warwickshire, and Oxfordshire should unite together to establish a Four-shire Provident Medical Club. The boundaries of these four counties are so interwoven at one point that the combination would be a natural one, and the area being so large, the labouring man leaving his home in search of work would be the less likely to have to leave his club behind him. I would submit that a fund should be at once raised to defray the expenses of printing and distributing in these four counties copies of the Rules and Regulations of the Registered Suffolk Provident Medical Club, with such emendations or alterations as may be considered necessary, prefaced by the proposition that a Four-shire Club shall be established on a similar basis; that a copy of these Rules should be sent to every medical man, to every magistrate, and every clergyman in the four counties; that every chairman or vice-chairman of the several unions in the four counties be invited to bring the subject of the establishment of the Club before the guardians of his respective union at a meeting convened for that purpose.

Finally, I would propose that a committee should, as soon as possible, be formed to take such steps as may be necessary to carry out the above propositions.

Digitized by Google

On the Economic Operation of the Foreign Sugar Bounties.[1] By WALLWYN B. POYER SHEPHEARD, Barrister-at-Law.

AN intricate economic question has annexed itself to the sugar industry of Great Britain and her tropical possessions. It may be stated thus. Great Britain, with ports freely opened to all the world for supplies of sugar, thereby secures to consumers their right to obtain one of the recognised necessaries of life from wheresoever Nature will most readily yield her bounty in response to the efforts of human labour.

So far the great principle which vindicates that commercial policy which is commonly designated as 'Free Trade,' has been upheld. State artifice has, however, intervened, with the potent hand of protection, to prevent the ascendency of Nature's law of production—the survival of the fittest—in determining the channels of the sugar industry. Continental Europe, by means of State aid, variously applied, has become the bolstered-up competitor of the tropics in the production of a commodity of tropical origin; and consequently a necessary of life, especially so for the young, still remains at almost prohibitory prices for the poor abroad.

Had European skill made up for the deficiencies of a less congenial soil and climate, so that sugar was thereby enabled to be brought to the markets of Europe at a less cost than sugar from the tropics, the discovery of the German chemist, Margraaf, that sugar could be obtained from the beetroot, would have resulted in a profitable employment of the zone of cultivation in Europe. But at no time does it appear that the manufacture of beetroot sugar could be successfully carried on if exposed to the full natural force of tropical production. Hence continental Europe has been bound to interpose State protection to prevent Margraaf's discovery being relegated to the domains of laboratory experiments.

This protection has been given in various ways. In France, colonial tropical sugars were for many years handicapped by heavy duties being placed upon them. Such a course operated for many years so injuriously to the French Colonies, and, by the exemption of beet-sugar from taxation, so detrimentally to the revenue, that the special State advantages in favour of beetroot sugar, as against French tropical sugar,

[1] See *Transactions*, 1875, pp. 699, 721.

Digitized by Google

had to be materially curtailed. McCulloch states, in his 'Dictionary of Commerce,' that in 1842 it was proposed, in order to get rid of the difficulties in which the culture of beet-root had involved the country, to grub up the plantations, paying the planters 14,000,000 francs as an indemnity for their loss. Protection, however, could not be withdrawn, but, staying its hand against the French Colonies, contented itself, until about 1862, by securing the monopoly of the French market, for the benefit of the French home and colonial sugar producers.

The Right Hon. W. H. Smith, in a Treasury Minute, summing up the proceedings which had taken place in connection with the Sugar Convention entered into between Her Majesty's Government and the Governments of France, Belgium, and Holland, in 1864, states that in 1862 the French Minister of Finance noticed that large sums were annually drawn from the Exchequer to pay bounties on refined sugar exported from France to other countries. Here we have the first evidence of another form of protection, which has become potent enough to overpower English free traders in their own market. At the present time, bounties on exports of raw and refined sugar to this country are obtained in a greater or less degree from the Governments of France, Belgium, Holland, Austria, Germany, and Russia.

The bounty is obtained in France through the drawback or return of taxes allowed on exportation of refined sugar. This drawback is greater than the duty paid, because it is calculated upon a supposed yield of refined sugar considerably less than the actual yield obtained from the raw sugar upon which the excise duty had been paid prior to its entering the Refinery.

In France the sugar industry is divided into two branches —the manufacturers, who convert the saccharine product of the beet into raw sugar, and the refiners, who work up the raw product into refined sugar. The manufacturers work under the supervision of the Excise, the raw beet sugar being charged with duty as it leaves the manufactory. But the French refiner does not work under the Excise; consequently when 100 kilos. of refined sugar is about to be exported, a return of duty is claimed in respect of the estimated quantity, or fiscal equivalent of duty paid on raw sugar from which the refined was extracted.

The principle of assessment may be thus illustrated. If, say 125 kilos. of raw sugar yielded say 100 kilos. of refined, the duty paid on the 125 kilos. ought to be returned upon the

Digitized by Google

exportation of 100 kilos. of refined; but if the 100 kilos. of refined were obtained, not from 125 kilos. of raw sugar, the supposed fiscal equivalent, but from 110 or 112 kilos. of raw sugar, the exporter in receiving the duty back on 125 kilos. would be obtaining more than the duty paid, and this would constitute an artificial but material inducement to export refined sugar to other countries. The greater the export the greater the bounty thus obtained. This principle of assessment of drawback results, as may plainly be perceived, in the bounties on exportation. The bounty has been estimated by those engaged in the sugar trade at 3*s.* per cwt. This may seem too trifling a sum to be recognised as the element of destruction to a vast British industry. But to no other cause can the decline of the English refining trade during the last ten years be attributed. The decline began with bounties, and will end when bounties are abolished or neutralised. In the aggregate, however, the subsidy drawn from the French Exchequer in aid of the exportation of refined sugar amounts, according to the estimate of a French statesman, to some 800,000*l.* per annum. The competition which ensues between our own and foreign producers on the English market results in the English consumer obtaining a considerable share of the foreign bounty as well as its equivalent from the pockets of English producers, in the form of sugar artificially cheapened, so that a particular form of foreign protection appears at first sight to be beneficial to this country. But the benefit to the consumer which arises from his being able to purchase sugar below the price which the article would command if all protection were abolished, is counterbalanced by disadvantages to the nation at large, which in the consideration of the question generally from an economic point of view cannot be disregarded. Had these bounties been considered a national advantage to this country, it is not likely that both the late and present Governments would have used every diplomatic effort to abolish them. The Treaty of 1864 was to that end solely.

It is beyond all question that the late Government fully appreciated the injurious consequences of these foreign bounties, refusing to recognise, as of any validity in favour of their continuance, the artificial cheapness which such form of protection tended to produce in this country.

It should be noticed that this Convention of 1864, for the abolition of bounties, thus approved of by a Liberal Government, and for many years energetically supported in the object aimed at by the present Government, contained a clause whereby the contracting nations might come to an agreement

Digitized by Google

to levy a countervailing duty against nations continuing this form of protection, to the manifest injury of their competitors, who might not be willing or able to allow such artificial inducements. Notwithstanding the energetic remonstrances of Lord Derby, during his period of office, to the French Government, the Convention of 1864 expired unperformed either in letter or in spirit. The clear and able despatches of Lord Derby, aided by the unremitting diligence of Lord Lyons, had considerable weight with the French Government, in bringing them to the conclusion that refining in bond was the only effectual mode of stopping export bounties, and the Assembly of France ratified this conclusion, alike necessary to England's interests and to the French revenue, by voting in favour of refining in bond. But difficulties arose in carrying out this principle, which were aggravated by interested influences, as well as by the impression abroad that England would not levy against other nations giving bounties such a duty as would prevent refiners exporting from France without a bounty being placed at a disadvantage on our markets. It is evident that if the duty were collected when the finished product left the Refinery, no duty need be taken on sugar destined for export, and consequently no return of duty would be due to the exporters. Thus would vanish all bounties arising out of the chemical and fiscal difficulties of assessment of drawbacks which serve both to yield and conceal this form of protection. In the limits of this Paper it would be impossible to follow in detail the records of our diplomatic efforts. Lord Derby, Lord Lyons, and many of our leading representatives abroad have been in almost daily correspondence upon this subject for some years.

The vitality of this form of protection is largely due to the general impression of foreign Governments that England will not adopt efficacious measures against bounties, and therefore no continental Government can abolish them whilst other Governments continue them, and thus the abolition of bounties seems made dependent either upon an international unity of action, which past experience shows is hardly within the bounds of realisation, or upon our adjusting the 'equities' between rival competitors by levying duties against such as give bounties.

The English market, with its ever-effectual demand for sugar, is the *optata arena* of foreign producers. It affords an outlet for that over-production of beet-sugar which is the dangerous consequence of State stimulus. But it is apparent to all who study the question that until what Mr. J. P.

Digitized by Google

Harriss-Gastrel, in his able report to our Government on the sugar industry of Austria, calls the 'Equity of International Taxation' can be established, the Governments of Europe will not have any respite from their efforts to solve one of the most difficult and important of all commercial questions.

It must not be supposed that France alone gives bounties. Austria exports her raw beet-sugar by means of a heavy bounty. Mr. Harriss-Gastrel says: 'Probably nearly half the amount of the drawback is a real bounty on export.' In Germany, Mr. Nicholson reports, for the information of our Government, 'that the late increase of the export bonus on raw sugar will be transformed into a fixed and settled premium on export.' As regards Russia, we learn from Mr. Michell's reports that bounties were established in 1872, and increased in 1875 to favour exportation. In Italy, Mr. Kennedy reports that no drawback is granted on the exportation of sugar. The sugar industry which existed in the once Austrian provinces of Italy was State-supported, and was extinguished when the provinces became Italian, and State support was withdrawn.

Thus, in 1878, it is manifest that the forces of protection still sustain the great beetroot-sugar-production of Europe. Moreover, that such protection has become aggressive, and assails our producers in their own markets. It is in the markets of the world that producers seek to recoup themselves the cost of production. All great centres of industrial production have a staying power in their resources of capital and credit, which enables them to withstand those natural fluctuations in prices which arise from the varying conditions of the ratio of supply and demand. But although the contingencies, arising from natural causes, can be reduced by experience to some law of average which may be relied upon, the disturbing influence on market values of the arbitrary force of State intervention cannot be safely estimated for commercial purposes. It is a disturbing force of unknown and potent, and the more potent because unknown, power. This disturbing force is now in full operation on the sugar markets of Europe. Operating on our own markets, it works backwards through every ramification of our sugar industry. It crosses the Atlantic, and causes the British capitalist to pause ere he invites the swarthy coloured labourers of the West Indies to gather in the prolific bounty of tropical vegetation.

Thus England loses surplus wealth, which, coming from her own land to her own citizens, is as a gift from nature to the nation—an economic consequence which has not received the attention it deserves in that department of State which was

Digitized by Google

instituted to watch over the commercial and industrial welfare of the colonies.

Foreign protection, in the form of export bounties, inflicts, moreover, a grievous wrong upon English producers; they are compelled to provide out of their own profits—already adjusted to a minimum by free competition with the whole world—the equivalent of these foreign bounties; unless they can do this, they must withdraw from their own markets. It is this exaction which has closed so many English and Scotch refineries, and retarded cultivation in our West Indian possessions. But the consumer has bought sugar a trifle cheaper, and thus a condemned and pernicious form of protection has actually raised in some minds an apparent conflict of interests between English consumers and English producers. Herein lies the Gordian knot of the whole controversy. Some writers in the press urge that we are foolish indeed to quibble at the Continent taxing itself to give us sugar below cost price. These writers do not point out that State aid to foreign exporters operates as a tax on English producers, payable out of their own profits and wages, and that it is the competition of English producers which compels the foreign protectionists to yield up, on the English market, a greater or less proportion of the bounty to the English consumer. The freedom of production, in its exemption from all State hindrance or aid, is as essential a principle as the freedom of distribution and exchange. If the producers on the Continent have equal or greater natural advantages than our own producers, no protection can be necessary to enable continental producers to compete with us in the English market. If, on the contrary, the stimulus of State protection is required to enable foreign sugar to be exported to this country, the position of our producers is as much reversed in the English market as if they were naturally inferior to their continental rivals. It must not be supposed that foreign Governments view with indifference the disastrous consequences which will ensue to their own revenue, and to their own consumers, if this costly stimulus to exportation of their own indigenous sugar is to be continued for an indefinite period. Great indeed is their responsibility in permitting an artificial trade to widen and deepen its channels year by year. Hitherto the fate of this foreign export protection has depended on the forbearance of our Government. What if our Government were to intimate that on and after a given date, and so long as bounties were continued, they would be intercepted at our ports by a countervailing customs duty! One farthing per pound levied against raw beet and refined sugar exported

Digitized by Google

under a bounty would either stop bounties or else yield us a revenue derived from foreign States; and if bounties were increased, the duties would increase also, and thus we might permit foreign States to contribute to our revenue. Not one farthing of such a duty would fall upon English consumers. It would all be paid out of the bounty it intercepted, the duty of course ceasing with the cessation of the bounty.

It must be remembered that continental Europe seeks on our markets an outlet for that surplus production of beet sugar, which is the disastrous consequence of artificial stimulus. But we, as a nation, have this interest, viz., to see that our tropical possessions are not restricted in their power to supply us with their surplus wealth—the very gift of nature's sun and soil.

It is not difficult to perceive that if the international sugar production and trade of Europe were permitted to follow its natural course, our tropics would yield a tribute to this country of ever-increasing annual value—a tribute from nature distributable to every citizen, by increasing the national capital, and, through such increment, the wage fund and purchasing power of the community. The West Indies and British Guiana have long poured an unceasing stream of wealth into this country, which, but for the adverse influence of European protection to beet sugar, and the continuance of slavery in Cuba, would rapidly increase.

England, therefore, has this paramount interest in the international sugar trade, viz. the establishment of the fiscal system of Europe on such a basis that no protection to foreign competitors shall close British markets to her own producers. The attempts to ally the interests of English consumers with foreign protectionists, by the *ad captandum* view before referred to, has been so far successful hitherto, that our Government, although repudiating the view, has nevertheless hesitated to adopt the only efficacious means for securing the equity of international taxation, viz. the imposition of countervailing duties against foreign bounties. The consumers of to-day do not enjoy England without 'impeachment of waste,' and have, therefore, no right to insist on the maintenance of an artifice, however profitable to them, which tends to deprive consumers of to-morrow of their right of access to the natural, and therefore cheaper, sources of supply.

This Paper has treated the question upon economic considerations alone. Social questions of high import, are, however, involved in the displacement of large masses of skilled labour from natural channels of industrial employment. The general commercial depression over us at this time operates

Digitized by Google

on the sugar trade as well as on all our industries. But be there commercial depression or commercial prosperity, a 'constant quantity' of abnormal disadvantage will press upon our sugar industry so long as foreign export bounties continue to influence the natural price of our markets. The whole of our tropical sugar production is rendered dependent upon the caprice of Europe. Our sugar supply is being concentrated in an area so limited that the meteorological fluctuations of the crop seasons cause violent fluctuations in our markets.

The subjects of Her Majesty engaged in the sugar industry demand no more than that the free trade ports of England shall lead to free trade markets for all comers, and shall not be closed to England's merchantmen and her industrial army of sugar producers by means of foreign State protection to foreign producers.

The Industrial Employment of Women in France compared with England. By Edward J. Watherston.

AMONG the numerous social questions of our time that are pressing for solution there is scarcely one more important than the industrial employment of women. According to the last census, taken April 3, 1871, the excess of females over males in the United Kingdom was no less than 892,088. There were, at the date of the census, 594,398 more women than men in England and Wales, 153,732 more women than men in Scotland, 131,764 more women than men in Ireland, and 12,194 more women than men in the Isle of Man and the Channel Islands. The disproportion between the sexes is constantly increasing, as shown by every succeeding census, and with this increase there comes naturally an ever-rising difficulty in the employment of female labour. Nowhere is this difficulty more felt than in England, because here the excess of females over males is greater than in any other State of Europe. Thus the population of France, by the last enumeration, was close upon 37 millions, and there were only 158,510 more women than men, while England and Wales, with their 23 millions of inhabitants, had nearly four times as large a surplus of women. In spite of this comparatively small excess of female over male labour, the French have grasped what may be called the burning question of the day, far more distinctly than we have done. Within the last fifteen or sixteen years, a great deal has been achieved in France towards placing women in a fair position in the field of industrial labour.

Digitized by Google

The French movement for the industrial employment of women dates from about the year 1862. Up to that time there existed no organisation in France for aiding women to compete with men in any occupations demanding more than manual skill; and although the number of female workers in trades was very great—an industrial census, made in 1860, showing that in Paris alone the number of 'ouvrières' was 111,891, against 304,920 'ouvriers,' being 367 workwomen to every 1,000 workmen—the female employment was mostly, if not entirely, in the inferior grades of industry, requiring little skill, and, as a necessary consequence, offering small remuneration. It was in consequence of a number of thoughtful men, chiefly journalists, having drawn attention to this subject, that in the month of May 1862 there was formed in Paris a 'Société pour l'instruction professionnelle des femmes.' Like many other important institutions, full of results, but of a kind not at once manifest to the public at large, the Society commenced operations very humbly. Fifty members put down twenty-five francs, or 1*l.*, each; and the fifty had the extreme boldness to begin the execution of a grand scheme of social reform with this apparently ludicrously small capital. Here in England the thing would have been laughed at; but it was not so in France, and the operations of the Society were carefully watched in Paris, although resting on nothing more potential than the sum of fifty pounds sterling. However, in reality, there was far more than this in the background. There was human energy. All the fifty members, besides paying down their twenty-five francs, took an intense interest in the work they were starting; and they had the good fortune to meet with a lady—'femme de tête et de cœur,' as described in one of the early reports of the Society, mentioning no name—willing to bear the first brunt of the battle. A school for instructing young women, to engage in the higher branches of industry, was opened, under the superintendence of this lady, in a small house in the Rue de la Perle, Paris, on October 15, 1862. The school commenced with only five pupils; but so rapid was its progress that at the end of six months there were forty pupils, while the original fifty members, or subscribers, had grown to one hundred and ten. It had been laid down as the basis of the whole system that all pupils should pay for their instruction, the sum fixed being eight francs, or 6*s.* 8*d.*, per month, and a short practical working of the institution in the Rue de la Perle showed that its whole success rested upon the enforcement of this rule, and the rigid exclusion of all mere charity-giving. At the end of the first year, the school was

Digitized by Google

found to be self-supporting, and at the end of the second it had grown to such dimensions that it had to seek larger quarters. In December 1864, the institution was removed to roomy premises in the Rue du Val-Sainte-Catherine, where classes were opened with 146 pupils; but this accommodation likewise proved too small before long, which led to the opening of a branch in the Rue Rochechouart, and subsequently to that of other 'succursales.' So numerous became the claims for admission, both from Paris and the provinces, that after a little while it was impossible to pay regard to all of them, and a system of examination had to be instituted, designed to favour the most deserving candidates. To this day the greatest success has attended the work of the 'Société pour l'instruction professionnelle des femmes,' one of the results being that it has given rise to hundreds of institutions, based on the same plan.

This plan, at the outset, was designed more to give a general training for industrial work than to prepare for any special business, and if it was modified afterwards it was in the latter direction. At the opening of the school in the Rue de la Perle, and for a number of years afterwards, the system followed was to divide the pupils into four classes. The first class, through which all passed on entering, supplied a general education, serving also to show the capacity of the young women for any particular occupation; the second class, called 'cours de commerce,' furnished a training for purely commercial purposes; the third class, 'cours de dessin,' supplied the wants of those who sought an art education, to be applied to industrial purposes; and, finally, the fourth class, called 'atelier de confection,' gave practical teaching in millinery, dressmaking, and all kinds of needlework. To these were added, after a while, several other classes, in which pupils were prepared, more directly, for certain trades. In one of them, which proved very successful, wood engraving was taught; in another, painting on porcelain and on ivory; and in a third the design and manufacture of jewellery, and of various 'articles de Paris.' More and more, as the institution developed itself, it was found necessary to prepare its pupils for definite occupations. The plan was adopted of placing such of the young women as desired it in workshops and ateliers, where they might gain practical knowledge of the business they wished to acquire. They ceased not, on this account, to remain pupils of the school, but only quitted it for a fixed number of hours every day to supplement their theoretical knowledge with that of practice. The result of all these arrangements, carried out admirably, was a success far

Digitized by Google

beyond the most sanguine expectations of the original promoters of the scheme. The institution first started in the Rue de la Perle not only turned out a large number of educated women, all of whom found instant employment the moment they left it, the demand for them being far greater than the supply, but it produced a movement which, spreading all over France, gave rise to a vast number of institutions of the same kind. The net result—illustrated in detail in some statistics which will be given further on—was that, as regards Paris alone, the number of women engaged in industrial occupations increased by more than one-third during the years 1860 to 1872. At both these periods, a census of the population of the capital engaged in trade, arts, and manufactures, accompanied by a general 'enquête' into wages and the state of labour, was taken by the Government. The enumerations showed that in 1860 there were 304,920 men and 111,891 women engaged in industrial occupations, and in 1872 the total had risen to 346,120 men and 174,437 women. Thus while the number of men increased 41,200, or 13 per cent., the number of women increased 62,546, or 37 per cent., within the lapse of only twelve years.

Among the numerous followers of the institution set on foot in the Rue de la Perle, Paris, there are several deserving special mention. A general technical education, fitting the pupils for various occupations, is given in the 'École professionnelle pratique pour les jeunes filles,' started at Paris in 1871. Though not more than seven years in existence, it has already prepared over a thousand young women for industrial employment, and the last report of the managers shows that here, as in most similar institutions, there is great demand for the pupils, who almost invariably get work as soon as they quit the school. Instruction in cookery, both plain and of the higher kind, forms a notable part in the teaching of this school, and it is found that the young women most distinguished in their efficiency for preparing the raw material of food into things pleasant to the palate, as well as wholesome—considered an 'art' in France, but really a science, for it is, if anything, applied chemistry—are not only the readiest to find employment, but by far the highest remunerated. This fact also engaged the attention of Mons. Groult, a wealthy manufacturer, at Vitry-sur-Seine, near Paris, deeply interested in the food question as a 'fabricant de pâtés alimentaires' of wide renown. Combining philanthropy with business, Mons. Groult started, in 1872, at a cost to himself of 400,000 francs, or 16,000*l.*, a so-called 'Internat manufacturier,' designed, in the first instance, to train female orphans of the Franco-Ger-

Digitized by Google

man war for industrial employment in general, but which, by force of circumstances, gradually developed itself into a large school of cookery. It is admitted to be an excellent school, and having, ever since its foundation, been in the most flourishing state, is now entirely self-supporting. A number of young women, first limited to ninety, but at present much larger, are receiving at Mons. Groult's institution a good general education, including the rudiments of chemistry and botany, and are then taught the 'art culinaire' under experienced professors. There is not a lady in Paris but is anxious to secure a cook from the school at Vitry-sur-Seine.

Of schools that teach particular trades to young women the number has grown to be very considerable in Paris and all over France. One of the largest of them is the 'Atelier de dévidage de la soie,' established by a large silk manufacturer, Mons. Hamelin, in Paris, with branches at Lyons and St. Etienne. The Paris establishment has 250 pupils, who are completely instructed in the art of silk weaving, including the design of patterns. A similar school, for a distinct technical purpose, is the 'Internat professionnel de composition typographique,' established at Puteaux, near Paris, in 1872, by a printer named Martinet. It is reported to have been a success from the commencement, and has already found several rivals, the chief of them the 'Atelier théorétique et pratique de typographie,' established by a society at Paris, and which turns out every year several hundred women printers. Other trades are similarly provided. The goldsmiths and jewellers, formed into a wealthy corporation in Paris, established there some years ago an 'École de dessin et de modelage' for women, which is training a great many to fill not only the lower but the higher and highest posts in an industry of immense importance in the French capital. Other industries in metals have not been behind in following the same plan to procure efficient workers, those in brass and copper particularly, under whose patronage has been established a numerously attended school, entitled 'École d'apprentis pour les industries des métaux communs.' In connection with this institution is a school where the manufacture and repair of clocks and watches is taught to young women. It is generally admitted that there is no branch of industrial labour in which, in France, women made such progress within the last dozen years as in the manufactures of jewellery and of precious, as well as common metals.

The promoters of the industrial employment of women in France early made the discovery that it was not enough to prepare female pupils for certain occupations, in the exercise of

Digitized by Google

which they might get their living, but that likewise work must be found for them. The notorious fact stared them in the face that while men can find employment both by mutual help, such as meeting together in taverns and clubs, giving each other information, and by seeking it energetically from masters, not shunning any amount of pressure, the same means are not open to women. For them it is far more difficult to get work; and it is often absolutely indispensable that it should be got for them. This having been clearly and undeniably established, it became necessary to cast about for a remedy. The first which naturally offered itself was to open up communication between the newly-established schools for female industrial training and the leading firms likely to give employment to women. There was little difficulty in doing this, and the result proved most satisfactory, for what with strikes among their workmen, and other difficulties, most employers showed themselves not only willing, but anxious, to take women into their service. But the obstacles in the way of women's work were but half overcome by this connection between employers and the female training schools. The schools, after all, could assist but a small proportion of the army of 'ouvrières' who thronged the female labour market; nor could they even promise constant work to their own pupils, who severed connection with them the moment they left, entering upon independent life. To help all, as far as help could be given, an excellent conception at last suggested itself. It was to form a number of societies, composed both of ladies and gentlemen, with the special task of securing employment for women, seeking work for them, pointing out to them where it could be got, and advising them, should they have embarked in a career not suitable to them, to change it for a better one. The idea was no sooner started than acted upon, with the most gratifying results. A great number of 'sociétés de patronage' are now in existence at Paris and in all the principal towns of France, procuring employment of every description for women. It detracts nothing from their utility that some of them are under clerical influence. The 'Société de Saint Vincent-de-Paul,' one of the largest of the 'sociétés de patronage,' presided over by the Archbishop of Paris, does, as far as is known, unmitigated good; and the same may be said of another, the 'Œuvre de Saint-Charles.' In fact the various creeds vie with each other how best to exercise the 'patronage' over their members. The Protestants in France have a large and highly influential 'Société de patronage' for the employment of female labour, while the Jews, with a practical sense above that of all others, have

Digitized by Google

founded an excellent institution, combining the teaching of a trade with the search for constant employment for all willing to work. The 'Société de patronage des apprentis et ouvriers Israélites pour les métiers,' founded in 1865, was originally intended to help men only, but it is now likewise for women, and within the comparatively narrow sphere of its activity—there being barely 50,000 Jews in France—has accomplished all that was desired, and is generally considered a model institution of its kind.

Owing to the efforts of some of the most influential of the 'sociétés de patronage,' two important State establishments, the celebrated manufactory of the Gobelins, and the national printing office, have in recent years been thrown open to women. The fact that females should have been admitted among the highly-trained male artisans of these places—artists, in the first case, even more than artisans—is a striking testimony to the value which the industrial training of women has already reached in France. At the Gobelins establishment, producing tapestry unequalled both as regards beauty of design and perfectness of execution, about one-third of the artists and workers at present are women, while two-thirds are men. All must enter as pupils in the preparatory school, between the ages of twelve and thirteen, having passed a previous examination. For the first two years they receive no salary, and in the third year they get, still as pupils, a nominal salary of 300 francs, or 12*l.*, a year. During these three school-years all pupils receive lessons in drawing, painting, and modelling. In the fourth year they enter the actual workshops, their pay commencing with 500 francs, or 20*l.* per annum, and rising from 100 to 200 francs, or 4*l.* to 8*l.*, per year, according to qualification. Repeated representations made to the French Government that this pay, which, even after the longest service and the highest qualifications, can never rise above 3,000 francs, or 120*l.*, is utterly inadequate, have hitherto had no effect. It is admitted that the remuneration is very low; but it is pointed out, on the other hand, that the work is easy, the hours few, and that there are many compensating advantages. As to the hours of work at the Gobelins manufactory, they are six and a half in winter and eight in summer, always by daylight. The greater number of the artist-workers have a house with garden, rent free, while those that have not receive an allowance instead. Medical attendance is likewise given gratuitously to all, and no deduction is made from the salaries on account of absence from work through illness. At the end of forty years' service, all the

Digitized by Google

employés of the Gobelin can lay claim to a pension equal to two-thirds of their salaries.

A far greater number of hands than at this art-manufactory of the Government are employed by the other State institute just mentioned—the national printing office. The business carried on here is not only typographical, but includes wood-engraving, colouring, binding, stereotyping, and all that is requisite to the complete production of books, pamphlets, and other literary matter. According to the last returns, the number of hands engaged at the national printing office was 1,120, of whom 654 were men and 466 women. The system of pay here is the same as in most private printing offices, that is by piecework. It is stated that some of the women at the national printing office are as expert compositors as the best men, and, of course, earn the same wages, which average eight francs, or 6*s.* 8*d.* a day. From the weekly earnings of all the workers in the establishment three per cent. is deducted to form a pension fund, to which the Government add sufficient to make up annuities of 650 francs, or 26*l.* a year, to all who have reached the age of sixty, and have been twenty-five years in the service. As in the Gobelins, so in the national printing office, medical assistance is given gratuitously to all the persons employed; but their pay does not continue while they are ill, except that they get an allowance, amounting to one and a half francs, or 1*s.* 3*d.*, a day for the men, and to one franc, or 10*d.*, for the women, while they are ill, if such illness does not last for more than 90 days in the year.

The managers of the two State factories here referred to speak highly in all their reports of the conduct of the female workers under their charge, but not more so than do the private firms employing women to any extent. This is the case chiefly with the producers of art manufactures and of the so-called 'articles de Paris.' As regards the latter, women have come to form the majority of workers, in the proportion of three to two. It was found in the official enumerations of the working population of the French capital, already mentioned, that while in 1860 there were 11,944 men and 13,754 women engaged in the manufacture of 'articles de Paris,' the number had risen in 1872 to 13,657 men and 21,261 women. Thus the increase of men amounted to only 1,713 in the twelve years, while that of women was 7,507. It was stated in the official report of the 'Enquête' of 1872 that certain branches of the manufacture of 'articles de Paris' were entirely in the hands of women, the exclusion of male labour

Digitized by Google

being complete. This was the case, among others, in regard to the making of pearl ornaments. The pearls have to be bored through and strung together—a labour not requiring muscular strength, but considerable skill of manipulation, with much taste, and thus exactly suited to women. Wherever similar qualifications were found to be of value, female labour asserted itself unmistakably in Paris. Thus in the manufacture of enamelled goods, of many articles of gold and silver ware, and of certain descriptions of jewellery, the female artisans were found to be more numerous, at the 'Enquête' of 1872, than the men. The excess of the former over the latter has largely increased since this date, according to the testimony of all acquainted with the subject. Female labour spread very greatly in four other branches of Parisian industry, besides those already named, in the years from 1860 to 1872. These were the trades of watchmaking; of the manufacture of musical wind instruments of all kinds, flutes, trumpets, etc.; of pianoforte and harp manufacture; and, lastly, of the manufacture of surgical instruments and bandages. The increase of women in the watchmaking business during the twelve years was no less than 2,740 per cent., while in the manufacture of musical wind instruments it amounted to 6,600 per cent., and in pianoforte and harp manufacture to 11,266 per cent. The fabrication of surgical instruments and bandages was entirely in the hands of men up to the year 1860, but subsequently women were admitted into the workshops, and the result was that in 1872 no less than 60 per cent. of all the artisans in this trade were females, and only 40 per cent. men. It must be admitted that all the trades here enumerated are eminently suited to women.

The following summary of the Parisian 'Enquête' of 1872, showing the respective numbers of men and of women engaged in industrial occupations, classed in groups, with proportion per 1,000 of women to men, may be of interest:—

Digitized by Google

Branches of Industry	Men	Women	Proportion of Women to Men per 1,000
Food production	47,056	8,896	189
House furniture	96,978	5,357	130
Clothing	37,425	74,780	1,998
Spinning and weaving	8,839	17,914	2,026
Manufacture of metals	42,473	7,907	261
Chemical works	14,539	4,566	314
Typography, binding, &c.	18,270	15,647	856
Instruments and watches	13,687	3,101	226
Leather manufactures	21,933	9,261	329
Brush and basket making	3,347	990	295
'Articles de Paris'	13,657	21,261	1,556
Various branches of industry	27,916	4,757	170
Total	346,120	174,437	504

Not included in the summary here given are a vast number of women, employed by private persons and companies, in occupations not coming within the scope of the 'Enquête' as industrial establishments, yet of no less importance on that account to the cause of female labour. Among these occupations may be cited that given by the railway companies. While the railway companies of the United Kingdom exclude women altogether from the list of their servants, those of France employ them by thousands. Nearly all the booking clerks, for example, are women. They do their work excellently, according to all reports, proved by the fact that within a few years they have superseded almost entirely the men, although starting in the career with a strongly expressed prejudice on the part of many managers and directors, who doubted their efficiency. It was by no means a desire for economy that led the French railway companies to employ female booking clerks and has made the system universal, but a desire to see a rather difficult work well and quickly done; and they now all acknowledge that the women do it better than the men. The salaries paid to the 'lady' booking clerks, as they are called, are the same as those formerly given to the men, and in some instances higher. The salary of an ordinary clerk varies from 40*l.* to 52*l.* per annum, while the head clerks at important stations receive from 72*l.* to 96*l.* per annum, with an allowance of from 12*l.* to 24*l.* for young assistants, as 'apprentices.' The railway companies likewise employ women as telegraph clerks, at an average yearly salary of 32*l.* In all cases a preliminary training is required, together with an examination, in which, as regards booking clerks, proficiency in

Digitized by Google

arithmetic and the art of bookkeeping is considered of paramount importance. But it is found that very few women fail to pass the requisite examination, a notable fact being that nearly all excel in arithmetic. It is a special feature in connection with the employment of women by French railway companies—one, perhaps, not unworthy of imitation—that in all cases preference is given to the relatives of male railway servants, especially their daughters and widows. As regards the widows of men who have lost their lives in the exercise of their duties, the companies nearly always find them employment, if in no higher capacity in such as waiting-women in ladies' rooms, with a regular salary of from 16*l.* to 24*l.* per annum, and allowed 'perquisites.' There are not wanting other employments for wives and widows. All travellers in France must have noticed that included among the female servants on French railways are not a few 'pointsmen' and 'signalmen' posted at small stations and sidings, and bravely swinging their red or white flags.

The most recent estimates, made in connection with the International Exhibition of this year, and semi-official inquiries, as to the numbers and condition of the industrial population of the French metropolis, state that the proportionate increase of female labour has been greater from 1872 to 1878 than at any preceding period. It is stated that at this moment there are over two hundred thousand women engaged in industrial occupations within the limits of the capital.

To what an extent female labour is sought after now in France may be seen from a curious instance, mentioned in one of the reports on the International Exhibition. It will be known to most persons acquainted with industrial matters that, up to quite recent times, the art of diamond-cutting was a kind of monopoly exercised by a guild of combined masters and workmen at Amsterdam. The guild, still existing in all its mediæval exclusiveness, is very wealthy, and its doors are strongly barred, very few apprentices being admitted, and those only who are either relatives of members, or can pay very high entrance fees. A good workman, it is said, can—or at least could in times not long ago—earn easily 80*l.* per month by diamond cutting, and there were some that gained their 100*l.* and more. Naturally, there was an intense desire on the part of dealers in diamonds, and jewellers in general, to participate in such large profits. Many attempts were made to break the monopoly of the Amsterdam diamond-cutters, and to get at their trade secrets, but they all resulted in failure, the shrewd Dutchmen guarding themselves most effectually to

Digitized by Google

impart neither their skill nor the mysteries of their craft to any but the initiated. However, the power of gold at last accomplished what had been impossible before. A rich Paris jeweller, M. Philippe, cousin of the famous 'restaurateur' of the Rue Montorgueil, of the same name, succeeded, by dint of an enormous bribe, in bringing two members of the Amsterdam guild of diamond-cutters over to Paris. They gave complete instruction in the art both to him and his assistant and first workman, Charles Roulina, and, having done so, departed, nobody knew where, being terrified into the belief—probably without any foundation—that they were followed by spies, and that the members of the powerful guild, whose secrets they had betrayed, were meditating their death.

There were now two men in France thoroughly acquainted with, and skilled in, the art of diamond-cutting. Unfortunately, M. Philippe died not long after the Dutch teachers were gone, so that M. Charles Roulina remained the sole depositary of the art. A resolute man, he lost no time in making it fructify in his hands, and at once set up, in one of the suburbs of Paris, a 'taillerie de diamants.' But a new difficulty here arose: he could find no proper apprentices. It was in the days immediately following the horrors of the Commune. Many of the best and most intelligent artisans of the capital had either died at the barricades, or were lying in prisons; and the rest, spoilt by idleness and dissipation, had plenty of work offered to them, and did not care to engage in new occupations requiring study and perseverance. In this emergency, M. Roulina had the happy thought to avail himself of female labour. But even young women were difficult to be found, to engage in what seemed to be the hazards of a new trade. However, in the end, after many disappointments, M. Roulina got a number of destitute female orphans, whom he housed, fed, and clothed, teaching them the art of diamond-cutting, under an engagement that they would remain in his service for a number of years. It need scarcely be said that this teaching was a costly business at first, seeing the extraordinary precious nature of the article that had to be entrusted to the unskilful hands of young apprentices. Still, M. Roulina succeeded better than might have been expected, probably just because he had been driven to employ women instead of men. He was not long in discovering that the business, which required no physical strength, but a rapid eye and a skilful judgment of details, particularly as to the best way of cutting the diamonds so as to show the facets in the most effective manner, was one particularly suited to females, and it was this expe-

Digitized by Google

rience which proved the basis of his success. Such as it is, it seems assured. At this moment, M. Roulina has a very profitable business, employing 52 highly-trained lapidaries, together with 342 apprentices. Several of the workmen in his 'atelier' earn 1,000 francs, or 40*l.*, a month, besides premiums given for excellent work, which, in the case of the most skilful of operatives, amount to very considerable sums. It is stated that the lowest sum earned by any woman past the state of apprenticeship is 300 francs, or 12*l.*, a month. The rule is for apprentices to serve four years, they receiving wages during this time, at the rate of 2 francs, or 1*s.* 8*d.* per day, for the first two years; of 2½ francs, or 2*s.* 1*d.* per day, for the third year; and of 3 francs, or 2*s.* 6*d.* per day, for the fourth year. M. Roulina, it need scarcely be said, reserves to himself the right of discharging apprentices not showing any fitness for the business, as the spoiling of diamonds by unskilful hands would be too costly a thing to be continued for any length of time. On the other side, to encourage specially dexterous apprentices, M. Roulina is in the habit of promoting them to the rank of actual 'ouvrières,' or trained lapidaries, before the expiration of the four-years' term. In fact, the intelligent founder of the first 'taillerie de diamants' in France acts strictly on the principle that his own interests are likewise those of his 'hands,' and there can be no doubt that the carrying out of this tenet has largely contributed to the success of many French industries. It has certainly had much to do also with the progress in the industrial employment of women made in France.

If it is asked what England has done in the same direction during recent years, the reply is not cheering. Government alone has helped in the matter, and, it must be said, helped a great deal. It has admitted a large number of young women to respectable and fairly well-paid work in the post-office and telegraph departments, and thereby given employment to over a thousand female workers, who otherwise would probably have remained idle in the already terribly overcrowded labour market reserved for their sex. This has been a very great boon undoubtedly; but the misfortune is that here the whole movement has stood still. In striking contrast to the efforts, just sketched, made in France to extend the industrial employment of women, with us there has been nothing but stagnation as far as private enterprise has entered the field. It is true, some attempts have been made in various directions to find work for the tens of thousands of women who eagerly, passionately, seek it, but these very attempts show the nugatory

Digitized by Google

character of what can scarcely be called a 'movement.' For instance, Miss Emily Faithfull earnestly endeavoured to find industrial employment for women in a trade admirably adapted for them, that of printing, or, more correctly, of type-setting. Accordingly she established, with the help and good wishes of many benevolent persons, a women's printing establishment, but only to see it merge, after a short artificial life, into disappointment. The cause was simple enough. Not being a practical printer, Miss Faithfull was naturally unable, with all possible energy and goodwill, to put the affair she started on a sound commercial basis, and so it naturally collapsed. It is an axiom that can never be too often repeated in similar cases, trite as it may be, that charity, however wisely it may be administered, is helpless in seeking to help others. The root of all honest work is that it must be remunerative. This, apparently, is better understood by our French neighbours than by ourselves, and hence their success in the field. We may hope to gain the same by following in the path they have opened, indicated clearly by a few landmarks, of which the following three may stand forth as the most important:—

1. Establishment of special training schools for certain trades, following a preliminary general education.

2. These training schools, if started by subscription, must be made self-supporting within a short time, or else closed as unsuccessful. All pupils must pay a moderate fee for being taught.

3. There should be union of the managers of training schools with all manufacturers, or others, wishing to employ female labour. The union must aim both to give employment to women, and to advise as to the directions in which it may be sought, and into which it may be extended.

What we want, in one word, is *organisation.*

To begin with, we require a well-organised, earnest, and energetic—not talking but *acting*—'Society for the Industrial Employment of Women.'

MISCELLANEOUS.

Mr. W. Cooke Taylor read a Paper 'On the Factory and Workshop Consolidation Act.' Mr. Taylor said an Act was passed during the last session of Parliament under the above title, which seems to have been much misunderstood. There are two principal errors prevalent about it: first, that it is merely a consolidating Act and no more; and second, that it

Digitized by Google

is one imposing further restrictions on the industry of adult women. Of the two the latter is perhaps the stranger error, as its effect is, in fact, precisely the opposite. So far is it from being true that this Act has imposed fresh restrictions on the employment of women, or extended the area or application of those already in force, that it has done the exact contrary:—it has receded from the ground that was before occupied, not encroached upon fresh territory; it has resigned pretensions that were previously upheld, not assumed novel powers; it has taken the first steps in a retrograde movement, the end of which it is not easy to foresee. The principal ways in which it has done this is by practically exempting from inspection the 'cottage industries,' as straw plait-making, and glove-making, and by creating a new class of workshops to be called domestic workshops, where only the family living there are employed, and which are to be entirely free of the law. But it has also enacted that adult women working anywhere, so long as they work alone and not in company with younger persons, are to have a latitude in their labour greater than they before possessed. It will be interesting to note the effect of these relaxations, and it would not be surprising if the women themselves, when they come fully to understand them, should desire a return to the present system, which rescued them from so much hardship in the past. However that may be, the effect of the Statute will be to give them those relaxations, not to impose fresh restrictions, as has been supposed. The change of procedure thus effected proved also that the new Act is not a mere consolidation of previous ones, but one taking a distinctly new departure. Factory inspection gradually grew up from the reign of George III., till at last, in 1867, it received its utmost extension. From that time to the present every manufacturing industry whatsoever, in which any child, young person, or woman was employed, has been included within the scope of a restrictive law. This will be so no longer, and even the names factory and workshop themselves obtain new significations; therefore a real alteration in the spirit of the legislation has been effected, only not in the direction that has been assigned to it. He enumerated the following different classes of factories and workshops under the new Act:—First, textile factories, under the Act of 1874 incorporated with this Act. Second, non-textile factories. All places other than the foregoing employing foreign motive power, and a few selected industries, the legacy of previous legislation, whether employing foreign motive power or not. Third, workshops; places where only manual power is in use. Fourth, workshops in which neither children nor young persons

Digitized by Google

are employed, and which come under a different set of regulations from those wherein these work together with adults. Fifth, domestic workshops, where the industry is carried on by the family in their own house. Henceforth every place employing steam or water power upon any manufacture would be classed as a factory, and the other places as workshops, though whether so purely artificial a distinction could be maintained in practice remained to be seen. In many instances it was just those places which did not employ any power other than manual which needed looking after most, as for instance ropewalks, where many young children are constantly at work exposed to all the inclemency of the weather, while the well-warmed, well-ventilated mills were far more healthful. The Secretary of State retained a power under the Act for remedying such defects as these, and it was to be hoped that he would exercise it. It was only by a constant watchfulness and a continual adaptability to changing circumstances and varying trade requirements that such Statutes ever approached to anything like perfection.

Professor CRESTADORE read a Paper 'On the Best and Fairest Means of Raising the Public Revenue.' The object proposed is to do away with all indirect taxes, and to raise all supplies by one single direct contribution, which is neither a tax upon land, nor upon capital, nor an income tax. The theory of the new proposed system is: that it ought to be laid down as a doctrine in the science of political economy that taxation ought to come out of the use of property, and not directly out of property. All use of property is reducible to one single general principle: the principle of exchanges. Persons who want to have something given to them must produce something in return. No one voluntarily parts with anything unless he receives for it directly what he thinks, under the circumstances, to be an equivalent. This principle is the first link of a chain of principles, not less comprehensive and important, which lead to the solution of the problem. The principle of exchanges is the foundation of the right of private property, and of every man's right to use what is lawfully his own. It is also the foundation of a self-acting assessment. Property has a more comprehensive meaning than is commonly attached to it. Anything that can be exchanged for some consideration is property of some kind or other. It may be of a kind physical, incorporeal, intellectual, moral, &c.; in other words, land, capital, merchandise, labour, service, advice, knowledge, information, &c. Property is of no value unless it is used, and to

Digitized by Google

the extent of its use. Every exchange of property of whatever kind determines a value, and all value may be measured in money. In the beginning of society, when traffic was carried on by way of barter, there was no need for a common measure of value, but since the introduction of coins all values may be and are in effect referred to and measured in money. Thus the principle of exchanges is the great criterion of the ownership and of the use of all property, as well as of its value measured in money, at the time when, and the place where, it is exchanged. The application of this criterion for the purpose of taxation seems a very simple one. Every exchange of value involves persons and things, and is indebted to the State—by reason of the security which persons and things derive from the State—of a rate upon the value exchanged, to be accounted for by the party who receives the value measured in money. The machinery proposed for collecting the rate is self-acting. It consists in the first instance of an annual registration of names and addresses; just as all births, marriages, and deaths are by law required to be registered. On the same ground every inhabitant should be required to have an entry made of his or her name and address, actual or elected, together with the position, occupation, or any title or degree which should appear necessary for identification, to be renewed every year. The next step will then be that, every individual who is liable to contribute should be required to make every year a return of the total amount of money actually received during the preceding year for anything given, granted, allowed or done in exchange during any year, and to discharge the rate due upon the said amount. The rate would not be due until after the expiration of the year for which it is to be levied, and would be payable at any time convenient to the ratepayer within a reasonable defined term, say the first quarter of the year immediately following that to which the rate refers. After the term allowed, if no return is forthcoming, or if the return is not judged a proper one, the revenue officer of the district, who is in possession of the names, addresses, and particulars of every individual within his jurisdiction, would make out for the defaulting ratepayer a rate founded on his knowledge and judgment of the case, the onus of filing a statement of accounts against over-rate being thrown upon the individual who objects to accept the collector's demand; just as, for analogous purposes, it is the practice of so doing in bankruptcy cases. These points constitute all needful proceedings, leaving out of consideration all minor details. This system of taxation reduces the individual burden

Digitized by Google

to infinitesimal proportions of the strictest impartiality, by gathering into the circle of contributors absolutely all persons and things on a footing of absolute equality. The doctrine of exchanges is of great importance in the subject of taxation, as showing the existence of enormous masses of value which do not contribute to meet the national necessities, not because of any possible difficulty in the way, but because of their not being asked for. As evidence confirming what is apparent from these considerations, reference is made to the official returns of the cheques, bills, and other values cleared at the London Bankers' Clearing House. It appears from these returns, as recorded in the *Economist*, that during the year ending April 30, 1878, bills and cheques to the amount of 5,066,533,000*l.* were cleared in the London Clearing House alone. Of course they represent all varieties of transactions, payments for goods, for rents, interests, dividends, fees, salaries, &c.; in one word, for accounts of every possible description. A duty of fourpence in the pound on this value alone would raise upwards of eighty-four millions, being an amount upwards of a million in excess of the estimated necessities of the Chancellor of the Exchequer in his last budget. There are no data by which to form a conception of all the exchanges and payments taking place during the same period of one year in and out of banks throughout the United Kingdom. It seems reasonable to suppose that they may, in the aggregate, represent at least some fifteen or twenty times the amount passing through the London banks. If so, astounding as it may appear, we must come to the conclusion that it needs a rate of less than one farthing in the pound to raise all the supplies necessary not only for imperial but for local purposes. One of the happy features of the basis of taxation in question, is that it refers not to what is given or expended, but what is received in return for anything; thus adding no aggravation of injury or misfortune for failure of crops, bad debts, and losses of any kind. A rate upon what is actually received in money-measure in exchange for anything given, would become instantly due at the time, and by the very fact of its realisation, and would, from that moment be and remain a privileged debt owing to the State from the party who is accountable for it, his or her assigns, executors, trustees, or representatives of whatever description, to be recovered in due course, if not paid within the term allowed for payment, as a property belonging to the State. The writer proceeds in his Paper to explain how the rate can be collected by means of stamps.

Digitized by Google

Mr. A. H. A. HAMILTON read a Paper on 'County Government.' He said that if Quarter Sessions were considered an anomaly, their power had been beneficially exercised. Very few departments of public business had been more efficiently or economically administered. Few institutions had been kept so clear of jobs, or assemblies had remained so free from party spirit. In these respects, as well as in good taste, good sense, and moderation, the Quarter Sessions of counties compared favourably with the municipal bodies of most provincial towns, and still more favourably with many Local Boards and School Boards. The difference is especially marked in the amount of their debts. The Corporation of Birmingham owes about 5,000,000*l.*, while the West Riding owes no more than 120,000*l.*, and the county of Devon only 59,000*l.* Though the character of Quarter Sessions of course varied in different counties, there were not many which did not contain a certain number of country gentlemen distinguished by ability and industry. The chairman was frequently a Cabinet Minister, or a future Cabinet Minister. There was an incidental advantage in the present system—that it trained up the better class of country gentlemen into fitness for higher posts. Though the attendance in court did not require much time, the work of the numerous committees did, and it might be doubted whether any successful farmer or professional man could spare the time required for such purposes. Mr. Hamilton then alluded to the various plans for electing representative County Boards, and especially to that proposed in the Bill of last Session. He remarked that the changes introduced by it were so moderate that it would probably have maintained the continuity of the new Boards with the old Court of Quarter Sessions. But the extent of the business left to them would have been reduced. The prisons were already taken into the hands of the central Government. All judicial business would have been reserved for the justices. All police business would have also remained as at present, though it seemed not improbable that the police, as well as the gaols, might ere long be annexed by the central Government. Such a measure would receive some justification from the undoubted inconveniences caused by the separate police jurisdictions of small boroughs. Even in the matters with which the proposed County Boards, according to the late Bill, were declared competent to deal, their power was to be exercised 'under the control of the Local Government Board,' or 'after applying to the Local Government Board,' or 'in such manner as may be prescribed by the Local Government Board.' So that the late Bill, instead of promoting

Digitized by Google

'administrative autonomy,' would really have tended to increase centralisation. Those, however, who were most anxious for County Boards, wished to have them entirely elective, and that the members should be chosen directly by all householders. They wanted, in fact, to stimulate and excite the rural nature by frequent contested elections, conducted under a democratic suffrage, and under the influence of party politics. But it might be doubted whether the character of a country neighbourhood would be improved by these frequent elections; whether the result of similar municipal elections in boroughs was entirely admirable; and whether it was altogether desirable to furnish the wire-pullers of political parties with more training grounds on which they might muster and exercise their forces in preparation for Parliamentary elections. However, it seemed certain that, if any change were effected, it would be more sweeping than that proposed by the late Bill. It might do no harm, but those who demand it ought to show that there was a real grievance under the present system. It had never been attempted to prove that the present management of county business was inefficient or extravagant. It had never been even accused of being corrupt. The only accusation against it was that it was an anomaly. But, although the present system might answer well, it ought to be changed if it were generally odious, or even unpopular. Of that there seemed to be no evidence whatever. It would be difficult to point to any institution that had stood for five hundred years and gathered to itself so little unpopularity. While believing that there was little need to disturb the existing arrangements, he said he felt sure that, if the present courts were abolished in favour of Boards to be elected by the widest possible suffrage, the great majority of those elected would be justices, so that the present system would simply be continued under a different name.

Colonel OLDFIELD read a Paper 'On the Social Effects of English Rule in India, with special reference to the terrible effects of the late Famines in that Country.'[1] He attributed the helplessness of the people on the occurrence of these visitations to their almost sole dependence on the annual produce of their fields; as, when this fails, they have no variety of industries to fall back upon, in mitigation of their distress. He stated that English competition, by driving native manufactures out of the market, had greatly increased this evil, and, without

[1] This Paper has been printed in full in pamphlet form and published by Bennett Brothers, Salisbury.

Digitized by Google

denying the abstract advantage of 'buying in the cheapest market,' he contended that with a people so backward and wanting in energy as that of India, the fostering hand of Government was needed to develop the resources of the country. Colonel Oldfield said it was easy to recommend thrift, but that, to expect a people living habitually in the most frugal manner, without luxuries of any kind, to hoard up money to meet exigencies of irregular occurrence was unreasonable, whilst to sentence them to the most terrible of all deaths for lack of the virtue of thrift should be an impossible cruelty. He said that costly irrigation works had also been recommended for the prevention of these famines. In private hands such works had failed to procure a return by individuals for the capital expended, whilst the deficit in works undertaken by the Government had to be made good by the already overtaxed cultivators, who were being reduced to the condition of Egyptian *fellaheen*. Colonel Oldfield then went on to show that the impoverished condition of the Indian ryot was due in a great measure to the protection and consequent encouragement given to the trade of usury by the procedure of the civil courts introduced by the English into a society to which it was unfitted. Though admitting that much attention had been paid to education, Colonel Oldfield contended that too much prominence had been given to the teaching of the English language to a fraction of the people, instead of educating the masses through the medium of their vernacular tongues. He concluded by asserting that our commercial policy lately introduced is reducing the people into two classes only, one of buyers, the other of sellers, of labour; whereas the people of India had, in great numbers, been used to labour for themselves, and they feel keenly the degradation of being converted into day labourers, or, as they would call it, 'being turned into coolies.' Further, in order to show that he is not singular in supposing that, with the best intentions, our legislation for India is not suited to its wants, he adds these words of Sir Erskine Perry, who says:—'There is a rigidity and exactitude of procedure which is often distasteful to native opinion; there are potent defects arising out of our attempts to administer justice; there is great irritation at our constant and often ill-conceived experiments in legislation; there is real danger in the fresh burthens we lay upon the people in our desire to carry out apparently laudable reforms.'

Mr. E. Carleton Tufnell read a Paper on 'The

Digitized by Google

Training of Pauper Children.'[1] He said that four methods of effecting this had been tried:—1st. Boarding them out in labourers' families. 2nd. Keeping them in workhouses. 3rd. The village home system. 4th. The district school system. The boarding out plan he considered objectionable, as it was open to the objection put by Mr. Fawcett of ostentatiously showing the poor labourer that pauper children are better cared for than his own, and that it simply provides for orphans—that class of children whom it is easiest to train—and totally neglects those children—the casuals and non-orphans—whose presence causes the main difficulties in rearing pauper children. Further, the only statistical result of this plan yet published is that given in a report from Glasgow, where the system has been in action several years, and which shows that 5 per cent. of 900 boarded-out children had failed in life. As respects workhouses, a distinction should be made between town or large country workhouses and the small workhouses in agricultural unions. In the former description of workhouses, Mr. Tufnell stated he believed the education of the children was uniformly bad, but in the small workhouses late investigation showed that the children turned out extremely well, and better than on the boarding-out system. He quoted a report of Mr. Murray Browne, which proved that out of 177 children educated in 13 small workhouses, only 5·65 per cent. were failures. This is only a slight fraction above the 5 per cent. failures in the Scotch boarding out, but in reality it is far below it, as the workhouse failures relate to all the children launched into the world; the Glasgow failures relate only to the orphans, whom there is least difficulty in rearing, and of whom certainly not 1 per cent. are lost in the district school system. The village home system had not yet been tried on pauper children, but Mr. Tufnell stated that in his parish (Chelsea) the system had been commenced, and the result was that 70,000*l.* had been expended in providing for 496 children, so whatever might be the final result, at least it was obvious that it would be very expensive, far more so than the district school system. The fourth plan, that of combining large numbers of children on the district system, Mr. Tufnell considered decidedly the best, as proved by the experience of more than twenty years. Mr. Tufnell cited the death-rates as proving the healthiness of the district schools. In the five largest district schools in 1873, 29 deaths occurred among 4,309 children, while of these 16, or more than one-

[1] See *Transactions*, 1870, p. 542; 1877, p. 156. This Paper has been printed in full by the writer.

Digitized by Google

half, entered the schools afflicted with the diseases of which they died. Consequently, excepting these hospital children, the deaths amounted to the extraordinarily low figure of 3 per 1,000. Mr. Tufnell then described the methods of training adopted in the schools—the drilling, the teaching of cookery, of carpentry, of engineering, the physical exercises, the training for sailors, and especially the teaching of swimming and diving in large warmed baths, and the musical instruction for recruits in the army bands, all of which are quite impossible in small schools or on any other system than the district. Mr. Tufnell then alluded to the success in life of these district-school children. He quoted from a Paper read in the Church Congress by the Rev. G. Smith, chaplain for nine years in one of the largest of these schools, and whose duty it is to visit the children placed out in service, which showed that only 3 per cent. of these children failed in after-life. The chaplains of two other large district schools had given similar evidence, and a report just published by Mr. Mozley, a Local Government Inspector, stated that out of 211 girls and 235 boys sent out to service from the Liverpool pauper school in four years, less than 3 per cent. were failures, and a similar inquiry into the outcome of the Manchester pauper school, made by some ladies and two Government Inspectors, proved that out of 79 girls and 97 boys there were only two unsatisfactory cases. Hence, to epitomise these results: the failures from the small workhouse schools were 5·65 per cent., from those boarded out 5 per cent. of the orphans alone, which would indicate at least 10 per cent. from the whole number of boarders, and from the district schools only 3 per cent. or less. This conclusion is unexpectedly corroborated by the last report of the Metropolitan Association for befriending Young Servants, founded by the late Mrs. Nassau Senior, which states that 110 ladies had inquired into the behaviour of 400 girls placed out from district schools, and had only found 13, or 3 per cent., failures. Mr. Tufnell concluded the Paper with the following paragraph, showing the extraordinary success in life of many of the children nurtured in the district schools:—'The chaplain of the largest district school—the South Metropolitan—says he knows one boy from the school who is now principal of a large college in one of our colonies; another who is an assistant inspector, and has taken his B.A. degree in the London University; another who is in holy orders. He was acquainted with several who are heads of large educational institutions and factories both here and abroad, several who are beneficed clergymen in holy orders,

Digitized by Google

and who have taken high degrees at Oxford and Cambridge, and of whose friendship he was proud; and he would ask how is it possible that schools that have trained children from this lowly class to such exalted positions can deserve the denunciation and contumely that has been so plentifully showered on them? In fact, I believe these schools are the only ones in existence which have actually realised the desire of an eminent member of the London School Board, who expressed a wish for schools which might form a ladder from the gutter to the universities. I have given several instances where this has actually taken place.'

Captain St. Clair-Ford read a Paper on 'Coffee Taverns' as a means of providing a place of social intercourse for working men apart from the temptations and evils of public-houses and gin palaces. He reviewed the circumstances under which British Workmen, Workmen's Clubs, Institutes, &c., had been established, well in their way, but not furnishing places where working men could feel themselves at home. The varied attractions of coffee houses or taverns, such as smart bars, coloured glasses, marble tables, mirrors, and cheerful attendants, were noticed; and the fact that, being opened very early in the morning, they afford accommodation for working men, whether married with homes, or lodgers who, having to go to work betimes, cannot procure a comfortable meal before starting, without necessitating more or less discomfort where they live. Where most public-houses are to be found such are the best neighbourhoods for these coffee taverns. Among the internal fittings and decorations, which of course must depend on the length of the purse, mirrors large and small, pictures, chromos and oleographs are recommended. The supply of goods should be wholesome and pure, the tables and all about the taverns clean, the manager and his assistants uniformly civil and attentive, and due regard must be paid to the peculiar wants of towns, whether seaport, large inland towns, small towns or villages. Where there is abundant accommodation, bagatelle boards or billiard tables may be introduced to benefit the revenue; chess and draughts, dominoes where approved, and a reading-room supplied with papers, periodicals, and newspapers, and railway time tables should be easily accessible. But after all it is best to see what is the 'custom of the country.' To defray the cost of establishing coffee taverns, the formation of companies, the shares of which may be taken up by working men, was suggested as a safe and secure investment. There will be thus a general mixing of

Digitized by Google

classes which must be beneficial. The total outlay on a tavern will vary from 250*l.* to 1,000*l.* A 40*l.* rental taking 12*l.* a week will leave a good profit. Captain St. Clair-Ford then gave particulars as to the coffee taverns in Cheltenham, of which there were four, two managed by a company, and two attached to districts. In the first twenty weeks after the opening of one in February 1878, 5,610 gallons of tea, coffee, and cocoa; 943 gallons of milk, besides aërated drinks and syrups, were sold. The average takings were 5*l.* per diem, and the largest sum received in one day was on Good Friday, 11*l.* 1*s.* 8*d.*; 4,118 refreshment tickets passed through the tavern. During the summer months it was feared the takings would fall off considerably, but such had not been the case: cold drinks were in great demand. A large number of frames with spaces for advertisements have been hung and taken. At one tavern dinners and soups are provided, and ready customers are found. No expense or care has been spared in making taverns as attractive and complete as possible. At all the taverns, tea, coffee, and cocoa, at 1*d.* for a large cup and ½*d.* for a small cup, may be had from 5 A.M. to 11 P.M.; milk at 1*d.* a glass. Details were given of the out-door custom, which was described as regular and satisfactory; of the supplies of articles at the bar; and of the satisfactory appearance of the taverns on Saturday nights, on which occasions the takings far exceeded those of other days. The results have shown that coffee taverns, attracting large numbers of all classes, could be made to pay, and that they, in a measure, touched the drinking habits of the people; but 'the drink' was the great social question of the day, and till public opinion was brought to bear on the liquor traffic, it was feared that the evils of the public-house must 'flourish and abound.'

The Rev. J. A. ASTON read a Paper on 'Intemperance.'[1] He treated the subject under three heads, as affecting (1) industry and prosperity; (2) health and vigour; (3) morality and happiness. Having disposed of them, he passed from the disease to the remedy. Many, he said, have been the courses suggested to arrest this growing evil; and each suggestion, as propounded, claims to meet the full requirements of the case. Might it not be well that all should be carefully, judiciously, and impartially considered—and, where the effect is to strengthen rather than to counteract one another, to combine some features of them all? Perhaps amongst the foremost is one too often overlooked, the ample supply of good pure water.

[1] See *Transactions*, 1869, p. 570.

Digitized by Google

There are certain common necessities of human life, and the grandest representative of them all is water. Like its sister fluid, air, it is a first necessary of all life; and, therefore, like air it is supplied in royal abundance, and distributed by Divinely skilful mechanism to everything that lives. The beasts of the field have the instinctive sense to know its value, and they refuse with disdain all artificial improvements of the native article. Let moral influence be used to the utmost—let the cultivation of all that is good and noble and holy be promoted—let sanitary reform be encouraged—let benevolent institutions be supported—cultivate and encourage all. But even more is sternly needed—a legislative action which would greatly diminish the number of public-houses; which would require the closing of them an hour earlier on the Saturday nights, and which, above all, would require an entire closing upon the Lord's Day. It would be a fallacy to suppose that the national revenue would suffer. On the contrary, so immense would be the impulse given to all branches of trade, that the national revenue would gain the benefit. In Ireland, in 1842 and 1843, the revenue from drink decreased 300,000*l.*, but the whole revenue of that country at the same time increased by 390,000*l.* In intemperance we have an incubus wasting the wealth and ruining the health of our nation—destroying its trade—blighting its morals—spreading disease and misery—standing in the way of industry and improvement—and opposing and thwarting spiritual effort. The evil cannot be overcome by fencing, or by weapons merely sentimental. It needs a manly grasp and a persevering purpose; and as we claim to be a wise and free and enlightened people, to have advancing science and an extending education, it would be well that a subject of so vast an importance be boldly faced, and dealt with without reserve.

Digitized by Google

ART.

STREET ARCHITECTURE.[1]

How can Street Architecture be best Improved with due regard to Economy?

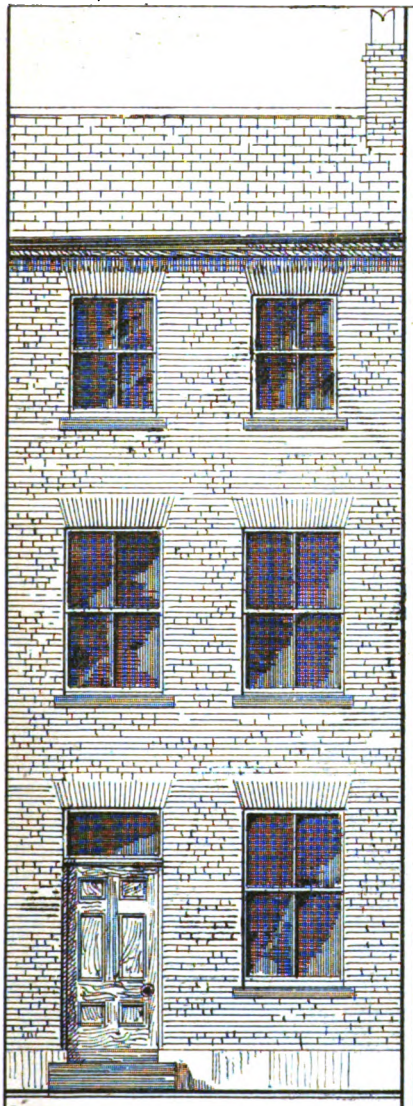
By H. HEATHCOTE STATHAM.

THE subject of the improvement of street architecture came before the annual Congress of this Association two years ago, at the meeting held at Liverpool, when the section which undertakes to consider the artistic side of life was inaugurated. It might perhaps, therefore, seem superfluous to bring it forward again at so short an interval; but I think there is sufficient reason for reopening the subject now, partly in the fact that the Local Committee of this Section expressed special interest in it, partly also that it is one of those subjects on which a great deal must be said, and said very often, before any appreciable effect is produced on the public mind; but more particularly because there is an essential distinction between the point of view from which the question was then considered and that from which I now propose to offer some suggestions—a distinction which bears especially upon the social side of the subject.

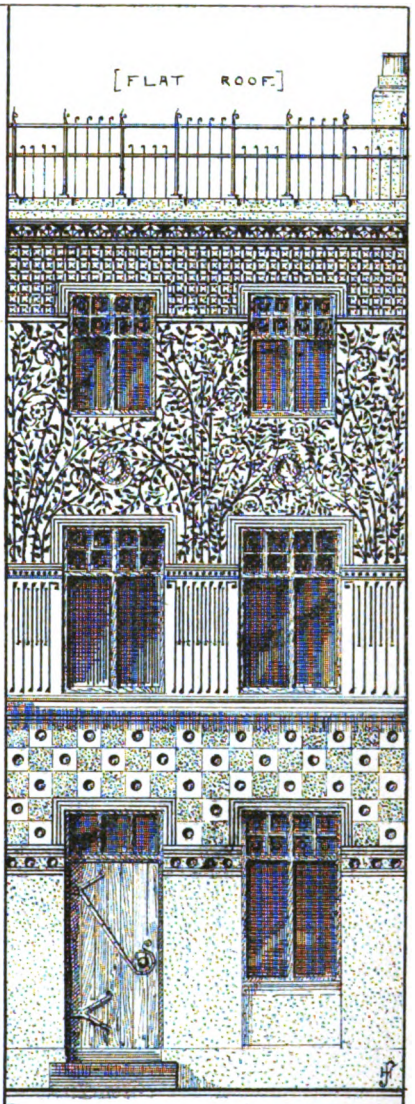
The title of the subject proposed at the Liverpool meeting was 'how best to secure the improvement of street architecture, especially in relation to public buildings.' As a matter of fact, not much was said about public buildings, but this latter half of the sentence indicates the turn which the consideration of architectural improvement in houses almost always does take, that of the laying out and embellishment of the wealthier quarters of the city in the neighbourhood of, and in connection with, its principal edifices. This tendency is the natural legacy of the past history of architecture, which has

[1] See *Transactions*, 1876, p. 751.

Digitized by Google



FRONT · OF · BRICK · HOUSE · IN · POORER · STREETS · OF · LARGE · TOWNS · [NORMAL · TYPE — BUILDER'S · PATTERN ·]



FRONT · OF · SIMILAR · HOUSE · BUILT · IN · CONCRETE · AND · DECORATED · IN · SGRAFFITO · &c · AT · SAME · COST · AS BRICK · HOUSE ·

Digitized by Google

Digitized by Google

almost invariably been the plaything of the wealthiest and most powerful castes, religious, political, or social, of the community. We have had the architecture of temples and churches and palaces, of public buildings and of private mansions; we have recently the street architecture of wealthy town residents and of successful tradesmen, and a very dreadful thing the latter often is in its glaring and costly self-assertion; but we have not in modern England realised any architectural beauty or expression for the many of lesser means who must live in crowded streets, and for whom anything that can be called noble or picturesque architecture seems to have been hitherto an impossibility. We have once had something like an architecture of the people, of which the remains are to be seen in picturesque country cottages in various localities, and in some of the old streets of such towns as Chester; but these are built in a style and in materials incompatible in many ways with the requirements of sanitary science and security from fire. But we are, as far as the present day is concerned, entirely without an architecture for the many; or rather, our architecture for the many is only the negation of all architecture, the absence of anything which can give any grace or interest to the mass of buildings which the tendency to centralisation in towns renders yearly more formidable, but in regard to which it is at present matter for thankfulness if we can even get the most ordinary conditions of health observed; any attempt to render them beautiful or to diversify the monotony of their endless ranks seems to be regarded as out of the question.

Is it necessary to spend a word in urging that such an attempt is desirable? A few years ago it would not have been so; it would have been conceded on all hands that our average street architecture was grim and depressing in aspect, whatever might be thought as to the possibility of improving it. But it is one of the curious results of the manner in which recent criticism on these subjects has gone on refining, and turning everything inside out, that we seem to have arrived at a paradoxical faith which regards a building as the more artistic the less art there is in it. Having had two or three architectural revivals which have disappointed the hopes of their votaries, we are now asked to jump to the conclusion that all attempt at refined architectural embellishment is a mistake or a pretence, and that the perfection of architectural design is to do nothing at all. A worship of architectural commonplace has commenced. Great George Street, for instance, that brick avenue which is the paradise of engineers

Digitized by Google

and parliamentary lawyers, was adduced in my hearing the other day by an architect, as something which could not well be improved upon; and superior persons dwelling in Harley Street and other similar half-miles of Georgian brick tell me that nothing they see in modern architecture gives them such pure and lasting pleasure as the varied arrangements of the sash bars in the fanlights over the street doors; and I can testify that nothing seems to excite their indignation so much as the substitution of sheets of plate glass for the old frames. It may be my phlegmatic temperament, but I am ashamed (or at least I obviously ought to be ashamed) to confess that these beauties of Georgian town architecture are thrown away upon me; that I can traverse Great George Street with no quickening of my architectural sympathies, save at the sight of Barry's clock-tower at the end of it; that the fan-lights of Harley Street and Gower Street leave me cold and unmoved. Fully concurring in the view which regards the revival of past architectural styles as essentially a mistake, I fail to see how we are to be bettered by reviving something which is no style at all. Looking at the fact that the Classic and Gothic revivals, whatever the mistakes and abuses inherent in such movements, have produced some really noble buildings and some graceful and picturesque domestic architecture, it is difficult to see that we are to gain anything by coming down to what common bricklayers and joiners could give us, by way of imparting reality to our modern architecture. If this were the only alternative, I would suggest that the old shams are better than the new realities. But I believe we are really in no such unhappy dilemma that we need lay aside all attempt to beautify our streets under the idea that it can only result in affectation. We have our own practical requirements, our own special economical problems, the solution of which in the best manner may furnish, as in other generations, the basis of our own architectural style; and as to the ornament and decoration, nature, the fountain-head of all decorative art, is as infinite and inexhaustible as ever.

Architecture, in short, has always had life and reality put into it when there was a new problem to solve. And here we have such a problem before us. We have to consider how we can, consistently with conditions of economy, bring architectural beauty and interest into those quarters of large towns in which it has hitherto been most neglected and most conspicuously absent, and to the dwellers in which it is of special importance. For the inhabitants of the less wealthy quarters of towns have little opportunity of change of scene in com-

Digitized by Google

parison with those who live in wealthier districts. The town furnishes the scenery of their life: and a miserable scenery it mostly is. It is taken as admitted that brick walls with square holes in them form the only order of architecture which is economically possible for buildings under a certain rental. And seeing how large a proportion numerically of the inhabitants of towns have to live among street scenery such as this—if we can show that all this might be materially altered, that beauty and variety, colour and sentiment might be brought into now dull and lifeless streets, without more expense than is at present bestowed upon miles of blank brick wall, we should surely be showing the way to an architectural improvement as important in itself and in its influence on the greatest happiness of the greatest number, as the building of town halls, law courts, or even cathedrals.

It is of course an essential condition of any such attempt to introduce a more artistic element into everyday street architecture, that the change should not involve any material addition to the cost of building. As it is, there is considerable difficulty in building houses of the class we are referring to so as to be remunerative in respect of the rents which can be obtained for them: and it is probable that at present any change in our building methods would be more valued, by the majority of those concerned, for promising a saving of expense, than for any improvement in architectural effect which it might realise. The idea that town streets must necessarily be ugly and dull is tacitly accepted, and no one thinks of making a protest against what seems inevitable. If, however, it is once discovered that improvement in this respect is practically possible, we may soon see a very great increase of interest in the subject on the part of tenants and householders; for after all very few people are contented with ugliness when they can get anything better, or anything which they think is better.

Now there is no doubt that a certain degree of improvement might be made even in the regulation brick street front, by the exercise of a little thought. It is not necessary that a quarter of a mile of houses should be built as if all were cut in the same mould, or rather as if they were made by machinery, in lengths of a few miles at a time, and slices cut off and put down where they might be wanted. It is not necessary that all the houses in such a row should have windows of just the same size, so many holes in the wall cut just alike. A little grouping and variation in the size and spacing of the windows would go far to break the oppressive monotony of a long street; and some further variety might be obtained

Digitized by Google

by variations in the character and quality of the brickwork; for instance, by using what is called English bond for the ground storey and the usual Flemish bond for the upper storeys, or by constructing one portion of the height with bricks of different tone from the rest, so as to get some variation of tint. So far an improvement could be made, a certain degree of character imparted, with hardly an iota of extra expense. Some further relief to the front may be given, at a cost little more than nominal, by the employment of a band of moulded or stamped terra-cotta, or (with a slightly increased but still insignificant expenditure) by a band of moulded or otherwise ornamented brickwork. It is needless to say that there is now, architecturally speaking, every facility for very varied and high-class decorative building in brickwork; but all this is expensive—in its best form, as expensive as stonework: and therefore it cannot enter into our consideration now. A considerable improvement in regard to character as well as constructive truthfulness would be obtained if builders could be persuaded to build the windows and doors in a genuine arch form, even of a small segment, instead of the disagreeable and weak-looking camber arch, which is their great delight: or if a straight windowhead is desired (and undoubtedly it is the most convenient form practically), a concrete lintel would give some variety of surface and be more constructively satisfactory than the camber arch. A great deal has often been said about the skyline of our streets, and how much even the plainest brick streets might be relieved and improved if the houses were roofed with gables fronting to the street; and so they unquestionably would be, but this is a more expensive way of roofing a row of houses, and leads to increased difficulty in regard to carrying off the rainwater. We find, therefore, that although it is possible to make some improvement in the ordinary brick street, and to give some variation of character to it, we can get a very little way towards anything like decorative building—we are soon hopelessly pulled up at the boundaries of possible expenditure, and if we are to get any further in our endeavour to beautify, we must seek for some material, or method of building, less expensive than brick. Now brick is a cheap material enough in itself: the major part of the expenditure consists in the skilled labour necessary for putting it together properly. If we can get a material in which this source of expense is greatly lessened—in which there is no need for the cutting and fitting and calculating necessary for the proper putting together of even a plain brick wall with square openings in it, even though the said material

Digitized by Google

be no more beautiful or enlivening in itself than brickwork, we may then obtain a margin of funds which can be expended in purely decorative treatment. Now such a material does present itself to us in the shape of concrete building, a method of construction about which a great deal has been said and written during the last few years, but which architects and their clients seem very much averse to take up or to give a fair trial to, though it certainly presents more resources for developing a new architectural effect combined with economy, than anything that is before the public at present.

In the form in which it has hitherto been most used, the principle of concrete building, it need hardly be observed, consists in defining the thickness of the intended wall by a temporary boarding on either side, and filling in the space between with the materials while in a wet state and leaving them to set, when the boarding is moved a stage higher and the next layer of concrete laid: the wall being thus, in fact, cast in a mould, the windows and other openings left by the interception of the material by cross-boarding where required. Of course, it must be admitted at once that such a system is necessarily more stubborn to deal with, in regard to any variety or intricacy in the main architectural design, than is one in which the materials can be put together in almost any way we please and the design easily altered or modified (if desired) as the work proceeds; and this fact must, I think, prevent concrete from ever competing with brick or stone in cases where expense is no object. Such cases, however, form decidedly the minority in ordinary building. It is possible, however, that the process of construction may in time be so improved as almost entirely to remove this drawback, and render concrete building as unhampered in regard to form as any other method. Apart from this question of the process, it appears to me that the results of even plain concrete building may compare with plain stone or brick, at all events with brick, without disadvantage. Concrete being essentially rubble walling on a small scale, that is, with rubble in very small pieces, its natural finish is of course rather rough, but I saw recently some cottages left in this state which looked just as agreeable in tone and texture of surface as ordinary brick walls, perhaps more so; and when the concrete has received the cement face which is its usual finish in the better class of work, the appearance is at all events more cheerful and enlivening for a town street, and less calculated to hold dust and dirt, than a brick wall. The point, however, which we want to arrive at is the degree of saving which can be effected in the shell of

Digitized by Google

the building, and which, as before observed, can be expended upon actual decoration without an increase of cost over the ordinary plain brick front.

Upon this question very various opinions have been expressed, coloured partly no doubt by the interest of persons practically concerned in one or another material, partly by the conditions of different localities. Where the materials for concrete are immediately at hand, the concrete is sure to be much the cheapest; where they have to undergo a considerable amount of carriage, or where brick is made close at hand, the relative cost will of course be very much modified. On the whole it may be said that the relative cost in London is a fair test, the locality not favouring either material particularly: and that the statistics of cost there are in favour of concrete there can be no reason for doubt. The other day I was inspecting a very neatly finished little house in one of the suburbs of London, of which the external walls, including the outer finish of cement, were executed for 4*s.* 9*d.* per superficial yard, as against about 10*s.* per superficial yard for fourteen inch brickwork pointed on the exterior; and the internal cross-walls, left unfinished for plastering, were executed for 2*s.* 9*d.* per yard, as against about 6*s.* per yard for nine inch brickwork unpointed. This you see is less than half; but a percentage must, no doubt, be allowed for the fact that the builder was working for himself in this case. But even allowing him the liberal profit of twenty per cent. (and though contractors are much better off than architects, I don't think they make that as a rule), the cost is still considerably under two-thirds of brickwork. But to be quite reasonable in our expectations, we will say two-thirds. Now, if we calculate the difference upon a small street house of the middle class of dwelling, say about twelve yards above the ground by five and a half yards frontage by eleven yards in depth, with the average amount of internal cross walls: taking the saving on the front and back walls at 3*s.* 2*d.* per superficial yard, and that on the party walls and cross walls at 2*s.* per yard, including cellars; allowing also for a saving of about 6*d.* per yard over the whole interior (except cellars), by the dispensing with one coat of plaster, we get in round numbers a saving of about 100*l.* per house to make ducks and drakes with in the way of decoration.[1] And now the question is, what to do with it—how best to employ it?

[1] It may be objected that the prices taken for brickwork in the above paragraph represent a higher cost than that actually expended upon a great deal of our town building, because the speculating builder of the average type will use up any old and rotten material that comes to his hand. But in so doing he is making an iniquitous profit, which we are not bound to recognise, and which the law ought

Digitized by Google

It is easiest in the first place perhaps to settle what *not* to do. The builders and the companies who are interested in promoting concrete building have taken that trouble off our hands, for if anything could render the system odious in the eyes of all people of artistic feeling, it would be the sight of the horrible things which these gentlemen erect as 'handsome' houses, and of which they show you photographs which they seem to regard as sufficient at once to convert you to concrete building. If they knew their own interests, they would keep the photographs of their 'neat and desirable' residences carefully out of sight, for fear of creating a pardonable scare in regard to the new method of building. The air of vulgar respectability, if one may say so, which characterises them, is partly due no doubt to the fact that they are usually the work of persons untrained in refinements of architectural detail and expression; either of the builder's own clerk, or of the kind of architect (or *h*architect) who is not unfrequently kept by a builder. With one exception to be mentioned just now, I believe no architect of genius has allied himself with concrete in any shape, as yet; and though we are often told there is no architecture now, and that it is all imitation, yet there is a sort of distinction between the work of an educated and of an uneducated imitator. But the cause of failure really lies deeper than that; it lies in the want of perception that a special material, differing in character from those hitherto used, requires a special treatment. The only idea of the ordinary designer of a concrete house is to make it like a stone house, and to employ the usual features which are considered proper to respectable stone houses: pilasters, moulded capitals, panels, brackets, keystones, consoles, and all the rest of it; to treat it as if it were built up in pieces like stone, and to affix upon the surface of the walls imitations of stone detail. Nothing that is real—nothing that appeals to a genuine artistic sense, can be done in that way. The first point is to recognise the real nature of the material and the method of treatment to which it will lend itself. A concrete house on the usual method of construction is essentially monolithic. It is true that it is necessarily cast in stages, and I have thought that in the case of cottages built as cheaply as possible, and left rough, an agreeable effect might be produced by varying the materials so as to get a slightly varied tone in the alternate layers. But in a concrete house as finished for the better class of work, even this slight

to put a stop to. The assumption here is that all building, however plain, should be sound and properly constructed, and on this assumption the saving in concrete as against brick is fairly represented above.

Digitized by Google

indication of horizontal layers disappears in the finishing, and the building becomes a uniform surface. Instead therefore of trying to make it a masonic design, and planting on the cement projections to be fashioned into the likeness of masonic detail, why not recognise the material for what it really is, namely, an admirable 'vehicle' (to borrow a painter's expression) for surface decoration. In considering what we can afford to do in this way, it must be remembered that in a street house we have, architecturally, only the front and back walls to consider, and practically it comes, in most situations, chiefly to the front wall: for though it is certainly a mistake, and under some circumstances even a vulgarity, to neglect entirely the decoration of a house and make a great show in front; on the other hand it is unquestionably part of the amenity of architecture, regarded in a social point of view, to turn its best face to the public; in other words, to develop its best beauties where the most people can see and enjoy them, just as we ourselves, or the better half of us at any rate, endeavour to put on our best appearance when we go to a public entertainment. Now, looking at it in this light, and concentrating our efforts on the street front, the amount I have supposed to be saved on the shell of the house would enable us to cover half the front with original decorative design in such a material as Rust's Mosaic, a material furnishing not only an indestructible design, but giving colour and texture of a very rich and harmonious description: or it would enable us to decorate the front with original design in *sgraffito*, a process which, though not affording colour, gives us variety of tone, and has the merit of combining remarkably well, in regard to material and appearance, with concrete. Many more suggestions might be made for giving a varied decoration to the surface, some of them at much less expense than the processes just named. Coloured tile designs may be incorporated in the face of the walls; and terra-cotta, such as Doulton's with its beautiful tones and rich surfaces, may be used to give an almost jewelled effect of colour and surface of the most permanent description. But stress is laid here upon the possibility of introducing such materials as mosaic and *sgraffito*, because they bring us clear of the system of mechanically-repeated ornament,[1] and presuppose a design which varies with the individuality or the feeling of the designer in each case, and in

[1] In regard to *sgraffito*, it is worth mention that panels with the plaster prepared for working on are now made so that the design can be executed in the studio, and fixed in its place in the building afterwards. Thus the architect can actually execute the decoration of his building in this material, with his own hands, instead of turning it over to the 'art-workman.'

Digitized by Google

which no saving is effected by mechanical reproduction and multiplication of the design.

The importance of this last point can hardly be over-estimated; for those who would deprecate any attempt to ornament our streets have at least this to say on their side, that it is better to give up any pretence of it unless we are to have as decoration something that we really care for, and that is designed and put up for love of it, and not to look 'handsome.' And who in the world is the happier for cast ornamental brackets or keystones catalogued at 15*s.* 9*d.* a-piece, or nail-headed or toothed bricks at so much per foot run? There is something in a good moulding, for the play of light and shade which gives it effect comes from Nature herself, and varies with the varying atmosphere; and there are certain conventional architectural ornaments, chiefly Greek, the absolute purity of taste in which seems to keep them from ever getting antiquated; but these we seldom see in mechanically-produced work, and never executed with the refinement of modelling which they demand. What we do get are clumsy reminiscences of classic detail (generally), hackneyed out of all endurableness by eternal repetition. The attempts which have been made to decorate the large stacks of model dwellings which are now becoming a feature in some of our towns, are simply deplorable in their weakness and vulgarity. In London, there are uncouth features, horrible panels with a lozenge-shaped hole in the middle, and weak-looking brackets ornamented with round holes cut on them, which have absolutely been multiplied by hundreds, not to say thousands, and put on to model dwellings to beautify them. Better the plainest and most dingy wall than this kind of trade decoration. What we want above all in the decorative treatment of town architecture, and more especially in the poorer and less inviting localities of large towns, is that some reminiscence or suggestion of the life and colour of Nature should brighten the walls. One of the most gifted of contemporary landscape painters, who has the additional merit of being one of the most agreeably cynical of talkers, was stigmatizing architecture to me as uninteresting the other day, when I asked him if there were no interest, at any rate, in architectural ornament. 'Ah, yes,' he said, 'a great deal; it takes a landscape painter to do that!' Now, without entirely adopting this view, is there not something significant in the remark: do we not really want, in the decoration of town architecture, and of the poorer and less inviting quarters particularly, that kind of decoration of which it might be said that something of the landscape painter is

Digitized by Google

required to design it, at least some of that direct and living study from Nature, whereby something of her life and colour and infinite form should be brought to enliven the dead walls of our streets? And that can only be accomplished in materials which allow in each instance of individual thought and individual modelling. Nothing out of a pattern-book will do it. But with materials such as these named, and others which have the same kind of capabilities, why should not the front of even our smaller street houses present examples of artistic beauty as original and real as any of those which are put into sketch-books to be 'cribbed' from, and at least of more interest than the cut-brick festoons and ornamental pepper-boxes which are the staple of decoration on the revived brick style named after Queen Anne?

What is important also to note is that a fresh return to nature for architectural ornament, and a means of carrying it out so as to exhibit the individuality of the worker, would be the best means of escape from the mistaken effort to secure the picturesque by taking up some former fashion of picturesque building; a mistake especially to be guarded against in the treatment of new material. For example, a very pretty illustrated book has lately been put forth by a large contractor, Mr. Lascelles, who has patented a new process of building with cement slabs on timber framing; a very good and inexpensive process for country cottages, *not* for towns. He has procured the assistance of a most talented architect, of whom I would certainly say no word of disrespect, and felicitates himself on having made cement construction picturesque, which appears to mean that he has contrived to have the slabs of cement made and tinted so as to produce what a copyright lawyer would call a 'colourable imitation' of a style of old cottage, common in some parts of the country. *That* is not the way to treat a new material. Produce the best effect you can with it by the readiest means, but do not try to make it mimic something else which you choose to consider picturesque. The picturesque, in the ordinary sense of the word, cannot be cooked; it is, in great part, a matter of time and age, and people who admire these old buildings and immediately wish to do something like them quite forget, apparently, that they were all new once.

I have made concrete-building the main object of these remarks, believing that it is a process with a future before it, and that it is more likely to afford a chance for economically improving middle and lower class street architecture than anything which we have before us at present. Of course, where

Digitized by Google

cost is of less importance, the same processes of decoration may be applied to a brick building, though I cannot help thinking they would, as a matter of appearance, blend even better with a concrete face. There is, however, a method of high-class decoration, terra-cotta modelling, which goes admirably with brickwork, and in which a frieze of figures, or other studies from nature, may be sketched out and fixed by the fire, so as to stereotype permanently the idea expressed in the clay, in all the freshness and freedom of the first impulse of designing. Not a few amateurs of artistic talent are devoting their attention to this art; those who succeed could hardly turn their talent to better account than by bringing such decoration to neighbourhoods where there is no means of purchasing it; a kind of charity which 'blesseth him that gives and him that takes' in a way that charity expressed in coin seldom does.

An important practical point, but which has also its æsthetic bearing, in regard to concrete, is its use in roofing. One of the first desiderata towards a complete and truly architectural style of building is the obtaining of a homogeneous character in walls and roof, as was done in the case of Gothic vaulting, where the roof is only the walls closing in and meeting overhead. No great building is really monumental in style unless this homogeneous construction is attained. As to the effect upon towns of having to put a timber covering on the top of the solid walls, and then to tile or slate over that—independently of the greatly added risk from fire, let anyone who has entered any of our large towns on a railway viaduct over the tops of the houses recall the indescribable effect of higgledy-piggledy and lumber produced by this mass of roofs leaning and sagging against one another, and full of places out of repair in the roof or tile covering. Compare this mass of material, and all the rottenness and dirt and decay which it inevitably contains, with the effect as it would be with nothing but smooth cemented concrete roofs, absolutely permanent and unchangeable in form, with domed or arched surfaces of monolithic character, and capable, from their smooth and hard surface, of being washed clean by every rain, and some idea may be entertained of the desirable change which would result from the adoption of such material for roofing. There is another advantage, which also has its æsthetic as well as its practical side, in the facility with which flat roofs may be made perfectly impervious to wet by concrete and cement. Now, flat roofs in a crowded town would in some points be a great advantage: they might afford either airing space or drying ground for linen, or, which would be a preferable use, an opportunity for getting more air than

Digitized by Google

can be got below, and an outlook beyond the confines of the street, or they might even afford opportunity for gardens and conservatories. And another advantage which has often occurred to me in such a construction is this: that a single row of (say) two-storeyed houses may be built along a new street, and that when in process of time there came a demand for more house accommodation in the neighbourhood, a second set of tenements could be built on the top of the first, what was the roof of the lower set furnishing the ground-floor of the upper set: a method which would allow of leaving proportionably wider streets, and not crowding houses together so much on the ground. But the great advantage of the concrete roof is, after all, its permanent and solid character. Nowhere is it so important to avoid anything like rickety building as in crowded towns; and nowhere, at present, is there so much of it.

In regard to this same question of rickety buildings there is one class of erection which is a special nuisance in our towns—the shop-front. It is a curious instance of the bearing of social habits upon architecture, that the desire on the part of tradesmen to cut one another out in the way of outward show and display leads to architectural treatment equally pretentious and unstable. A wide space for a display in the window is the first desideratum, consequently the whole of the superstructure is made to stand apparently on a sheet of plate glass, and is in reality anything but sound architectural construction, since it involves a system of balancing the building on points on which a great pressure comes, while the supports are inadequate to resist properly the disturbing effect of unequal loading, or of any slight settlement in the foundations. Architecturally speaking, however, the more prominent fault in shop architecture consists in the almost universal addition of a species of joiner's scenery planted on round the window, with a wooden cornice and other supposed ornaments which are a mere excrescence on the real building, are of no use, cost a good deal of money, and absolutely preclude anything like dignified or solid architectural effect. No street can look otherwise than flimsy or tawdry in its effect when its base is lined by these useless pieces of painted show; but it would hardly be possible to legislate against them. Their abandonment must be left to the gradual influence of public taste, coupled (let us hope) with the gradual appreciation by the trading class of the fact that genuine excellence is better than show, and pays better in every way in the long run; under which faith the sham and the show of the shop front would no longer be required. Among other

Digitized by Google

minor causes of 'complaining in our streets' may be named the chimneys and the rain-spouts. The disfigurement from the chimneys arises (like so many other ugly things in architecture) almost entirely from practical deficiency in construction, leading to bad draught, or down draught, which has to be corrected as far as possible by the addition of grotesque spouts and cowls; otherwise the chimneys in street houses are usually pretty well out of sight, and only require a simple and unpretending treatment. In regard to the rain spouts, it is curious that though we have for generations, if not for centuries, substituted these rain conductors for the old contrivance of open spouts carrying the water out clear of the houses in a cataract, there has never yet been any attempt at providing for them in the architectural design of street houses, so as to make them appear as necessary portions of the architectural economy of the front. They are still hung against the wall as if no one had ever thought of them until the last minute of putting the roof on, and they had to be got in somehow. While we are speaking of details, it may be observed that on the other hand the entrance doors of houses offer a very suitable opportunity for a little variety in character and colour, at present totally neglected in most street buildings; all the doors are made alike in a row of houses, as if cast in a mould, though as each is really a separately executed piece of work, it ought not to be difficult to vary them. Each entrance should as far as possible have a character of its own, so that the tenant may recognise his home by its own features, not merely by the fact of its being No. so-and-so in the row, even if there be no other distinctive decorative treatment. This kind of variety, as well as other distinctive character arising from varied decoration, may be attained without necessarily demanding that every house should be different in height from, and quite independent of, those contiguous to it. I confess I am not in entire sympathy with the denunciations that are sometimes made against the grouping of houses in a terrace in one design. If the houses were each built separately, by separate owners, it would be natural for each man to build as he himself wished, and the resulting variety in heights and details would be the natural architectural expression of the whole under the circumstances. But if a terrace of houses, though separate tenements, are built at the same time by the same person, it would seem to me perfectly natural that he should build them with a general uniformity, and that to studiously vary the heights (for example) in each case, to make them assume the picturesque inequality of an old street in which

Digitized by Google

the houses have grown up by degrees and at various periods, would be a piece of affectation. The details, however, may and ought to be varied, as before observed, to prevent monotony and give a certain individual character to each tenement.

This latter consideration naturally suggests a word, before concluding, on the question of the relation between building legislation and architecture; a question which is of some special interest just now, because it is pretty evident that the architecturally-minded portion of society will not put up with the average style of existing Building Acts much longer. The matter, however, so far as regards the artistic side of building, is really less complicated than some people seem to suppose. The improvements required in regard to this part of the subject are chiefly negative, and consist in letting well alone. At present there is no doubt whatever that street architecture in London and other large towns, suffers, as far as regards effect, from being too much governed. If we take a view of a picturesque street or building of old time, such as the modern architect or artist delights to sketch, and apply to it the provisions of (say) the Metropolitan Building Act, we shall find in most cases that nearly all which made the picturesqueness of it has disappeared. The effect of the average modern Building Act on street architecture is pretty much the same as would be the effect on the human countenance if it were decreed that all projections were to be cut off and the face kept flat. The Metropolitan Building Act actually does rule this, and though the real object is to prevent projections which may be supposed to be dangerous or injurious to the public, the regulations are carried out in such a spirit of red tape that anyone wishing to build out a projection of two inches, in a manner perfectly harmless, but against the letter of the law may find the prohibition enforced as rigorously as if life and limb were threatened by the irregularity. The consideration of architectural effect in fact does not enter into the legal or official mind. In the voluminous blue-book of evidence taken by a Parliamentary Commission three or four years ago when there was an attempt to get a new Building Act for London, I have not been able to find a single question, out of the thousands asked, framed to elicit any opinion as to the effect of the proposed legislation on buildings architecturally. And it may be admitted that it is in no way desirable that any positive legislation on the subject should take place, and that those who build street houses should be compelled to satisfy an official committee of taste with their designs, and should lie under the liability of having their drawings sent back to them to be made

Digitized by Google

beautiful. All that we can reasonably ask of the law is that it should leave the architect more untrammeled, and that it should forbear to place upon town architecture restrictions which must tend to rob it of half its life and character. Many things which are commonly forbidden by Building Acts are only really objectionable when they are badly carried out and of unscientific construction: the projection of an upper storey of a building, for instance, beyond the lower, often a source both of convenience and of charming effect, is only dangerous or objectionable when badly carried out in regard to construction. To ensure a character of town building at once safe and picturesque, what is wanted is not a stringent prohibitive legislation, repressing the life and character of street architecture; but rather a legislation which would provide that the task should be undertaken by properly competent and conscientious persons; which would put a check on the iniquities of the 'jerry builder' (who is the cause of the existence of nine-tenths of every Building Act), and at the same time leave the competent and conscientious constructor room to carry out his ideas without vexatious interference, and to indulge his fancy in regard to picturesque effect, in the confidence that such fancies would be carried out on the basis of a sound and scientific construction.

DISCUSSION.

Mr. Charles Lamport (Wellington, Somerset) was disappointed at the vagueness of the terms which the reader of the Paper had used. He confessed he could not see what was intended by the phrases, 'architectural beauty,' 'style,' and 'ornament.' What was essential for improving street architecture was, in his view, something different from mere ornamentation, and from the separate treatment of the individual house. He agreed, however, entirely with what Mr. Statham had said in regard to the general effect of street architecture; still it must always be remembered that our houses should be built to live in, and not to look at, and streets were public ways and not art galleries. It would be said, 'Why not combine the two?' but that could hardly be done without marring in some measure both objects. If houses were built to look at, utility must be sacrificed; but if they were built entirely for the useful, what they lost in architectural beauty they would gain in the charm arising from individuality. If we made a house a pedestal on which to display something that might be considered as 'high art,' we should degrade the latter. A person walking along a street should not be tempted to stay and gaze upon an individual house because it was aptly coloured or highly ornamented. To design streets, however, with a view mainly to general effect, would involve our giving an answer to another question, namely, would we

Digitized by Google

subject our street architecture to the supervision and dictation of municipal bodies, or would we leave it to individual effort and trust to chance for the result? If it was admitted that utility was the basis of the beauty of architecture, no house could be made beautiful by ornament only. He held with Hayden that intrinsic beauty of form was only to be found in the curves of the human body. Beauty of colour was to be found in nature, and it was by a harmonious blending of these elements that we attained artistic beauty. The idea, therefore, of placing anything upon a house which was intrinsically beautiful was opposed to the true genius of architecture, which was essentially rectilinear. We could not have a round house consistently with internal comfort, and utility. The beauty of colour, however, could be legitimately applied to street architecture, and it was in that direction alone that we should find a solution of the question before us of improved effect with economy at very little expense, and under municipal supervision. Houses might be erected of brick or of stone; some even might be built of concrete, while a few might reproduce the old-fashioned black and white. With such a variety as this a street would be made architecturally pleasing without catching the eye by individual houses. The Rue de Rivoli, in Paris, is an instance of the charm of a general effect without individuality, and the city of Chester of the beauty of variety. The use of concrete for building purposes should not become general until the value of the material had been tested by time. If we only built for our own generation we might build according to our own theories; but if we were to build houses to be handed down from generation to generation, and around which tender reminiscences and old associations were gathered, durability should not be perilled for merely æsthetic effects.

The Rev. William Boyce (Cheltenham) said the great difficulty which we should find in attaining the objects of the Paper was that which arose from the impossibility of influencing the builder. He spoke more particularly in reference to London, but it seemed to him that while we might hope by enlightening public opinion to induce persons who had plenty of means to adopt an artistic decoration or at any rate correct ideas in the erection of buildings, the whole difficulty, which appeared to him insuperable, was with the man who built simply for a speculation. The great majority of the buildings in London were erected simply and solely with the view to making money, and they probably did not remain in the possession of the builder for more than a month or two. Even if an enormous saving might be effected by using concrete instead of brick, and if in a small house this saving would amount to as much as 100*l.*, how could we persuade the builder to lay out one sixpence of that 100*l.* on decoration? He would only think himself more fortunate in being able to sell at a greater profit. If once we could induce the builder to take a more artistic view, the general appearance of towns would be much improved. A society of this kind of course tended to influence the great mass of public opinion, and it was only in that way we could hope to do away with a certain amount of the barbarism which now prevailed.

Mr. E. J. Watherston (London) said if the prevailing taste was

Digitized by Google

bad, it was well to ask ourselves why it was so. We might look to four causes for the bad street architecture in the present day. Those who offended most against the laws of good taste were, first, the great engineers; secondly, architects; thirdly, local boards and committees; and, in the fourth place, the law was inadequate to restrain persons from offending. The great engineers of the present day thought nothing of bringing a railway through the streets on brick arches, which was perfectly barbarous. Architects again in many instances designed public buildings without the slightest regard for the permanent surroundings. The new Law Courts in London were being put up under a most distinguished architect, without the slightest consideration for the buildings which surrounded them. In fact, architects themselves were some of the most flagrant offenders against the laws of good taste. Winchester Town Hall was another instance in which a distinguished architect had designed a building which was not in sympathy with the beautiful surroundings of the place. It was well known of what class committees and local boards, who generally had to decide upon architects' designs, were composed. Men were pitchforked upon these committees who knew nothing of the laws of good taste. The laws again unfortunately were against the carrying out of any originality of conception. We could not put a bay window here, or a bit of cornice work there; all must be on one dull, dead line. That, no doubt, required some alteration.

Mr. P. G. Skipwith (Prestbury, Cheltenham) was surprised to hear that an architect who erected a fine building in a poor neighbourhood was thereby doing an injury to art, for that was what the argument of the last speaker amounted to. He happened to know something of Mr. Street's work, and had found occasion to criticise some of it in a paper prepared for the Congress; but he must say that the new Law Courts was a building the nation might well be proud of, and that there was no possibility of unfavourable contrast with other buildings in the neighbourhood. The way to improve street architecture and to aid in the advancement of art was to erect a finer class of public and private buildings than those hitherto seen, and so by force of example to stimulate the desire for better things.

Sir Walter Stirling, Bart. (London), lamented that the discussion had turned too much on the value of utility, without reference to the graces and beauty of architecture in building. He considered the difference between a builder and an architect to consist in this distinction, the one considering his art to consist in accurate measurement, the other in refinement of style and design. The portico of Drury Lane Theatre, worthy of a primæval period, may be equally useful, while what *was* the colonnade of Burlington House lent a perpetual fame to its constructor, the Earl of Burlington: 'Omne tulit punctum qui miscuit utile dulci.'

Mr. H. C. Boyes (London) thought the second speaker had been a little misinterpreted. It was perfectly hopeless to expect that a person building as a speculation would spend in decoration any amount which it could be shown him he might save by the use of a cheaper material. We might be certain that if he could so economise he would put the 100*l.*

Digitized by Google

or whatever he might save into his own pocket, unless he could see that he would make an additional 5*l.* per year rent on the 100*l.* spent in external decoration. Some of the ladies and gentlemen present might be willing to give that additional amount for the sake of the appearance, but they represented a very small minority of the community. We must treat these things as matters of business, and it was only by the creation of a better taste among the class for whom the buildings were intended that we could make it worth the while of the builders to erect them. There were many buildings in some of the large towns which were simply nuisances in point of appearance, as offensive to the eyes as a bad smell to the nose, and injurious to the mental health of the inhabitants. We could not legislate on matters of taste, about which differences of opinion must always exist, but there were many buildings so bad that no one could be got to say a good word for them. The structure recently erected by Mr. Hankey, at Queen Anne's Gate, was a case in point. Such buildings as this ought to be legally repressed.

Mr. Lock thought the only way was to touch the conscience of the builder, and to make him believe he was building for the benefit of the people. He should be disinclined to have the interference of Corporations, but he thought it was quite possible to increase the interest felt in the work of building. The large augmentation in the number of building societies concurrently with the more rapid spread of true art notions ought to be one element in creating a better taste, for a man would naturally have an interest in the adornment of a house which he looked forward to inhabiting. The use of concrete would be a good thing if a cheaper material could be developed, but grouping of houses as a means of getting a better appearance had been too much overlooked. Nothing could strike one more forcibly than the grouping of some of the houses in Continental towns and also in some of the towns of the north of England. No one could bear without a groan the long and weary lines of the roofs in our English towns, and anyone who had seen Oriental cities would look back with pleasure upon the cupola and the other forms which he would there see to break the sky-line.

Mr. Heathcote Statham (London), in reply, pointed out that he had said that concrete could never compete with brick except where economy was aimed at, and that he specially said in regard to ornamentation that it should be based upon nature rather than on artificial forms mechanically repeated. Mr. Lamport had said that a house should be built to live in, and that the principles of true architecture should be based upon utility. That was nothing new: he had learned that twenty-five years ago, and his friend in the chair had been recommending that principle for a still longer period. As to the question of durability, he might observe that concrete was a material which engineers always used when they wanted to obtain great strength. There was no material which had so successfully stood the test of many years. Brickwork was affected by the weather, and the stone of the Houses of Parliament, though selected with special care, was already decaying. But he was not unconditionally recommending concrete. All he said

Digitized by Google

was, that in it would be found a material which would enable us to bring some sort of life and ornament into places which now had none, without any extra expense. Those who did not know the east end of London were not aware how utterly devoid the buildings there were of ornament. What they were considering was whether they could not find the means of bringing a little beauty into the streets without making it disproportionately expensive. In regard to the economical argument that those who built the houses would only put the surplus into their pockets, the truth or otherwise of that must depend on the progress made by public opinion. If we could make people feel that it was desirable to make streets more beautiful than they were we should create a demand for beauty, and the builder would soon find that it answered his purpose to provide it. A practical instance which would illustrate that had come under his notice in regard to those very buildings of Mr. Hankey's to which reference had been made. He knew of an instance where a gentleman positively refused to go into them because, as he said, they were such ugly places. If we could only get that feeling extended it would be found that ornamentation was a paying thing after all. He wished altogether to disclaim any intention of recommending concrete building as a means of producing a new order of architecture; all he alleged was that it was the best means of getting more ornamentation in poor districts.

The Chairman (Mr. George Godwin, F.R.S.), in summing up, adverting to the attacks which had been made upon concrete, said it was one of the oldest building materials in the world, and it was a material which not only did not decay but which hardened year by year, and if well made was equal in point of strength and durability to any material which it was possible to use. In reference to the point which had been raised as to the probability of the builder putting the 100*l.* which would be saved into his own pocket, he quite agreed that the force of public opinion must be brought to bear to prevent it. In that way the builders would be forced to pay some attention to taste whether they liked it or not. That, in his opinion, was the value of Mr. Statham's paper. He would emphasise some observations which had been made as to the amount of bad stained glass put up in England, and he asserted that the time would come when subscriptions would be made for the purpose of removing it. The question as between geometrical glass and pictorial glass was fairly open to discussion; but it should not be forgotten that the pictorial glass of the sixteenth century, for example, had given much delight. Many would remember the window in King's College Chapel which, first giving pleasure by harmonious mosaic colours, then suggested events and persons on which the imagination could dwell. As to an objection that had been taken by one of the speakers to the external adornment of individual houses, he differed entirely, and could see no reason why the passer-by should not get moments of delight in intervals of all-day struggle. He drew a comparison between the Rue de Rivoli, which had been extolled, and the market-place of Vicenza, for instance, where the variety was infinite and the faces of many of the houses presented paintings which, decayed as they were,

Digitized by Google

made a stroll round it delightful. The usefulness of the beautiful was too much overlooked. Why should most of our manufacturing towns be so dreary and ugly as they were? It was scarcely possible to estimate the evil effect these miserable surroundings must have on the mind, temper, and spirits of those who dwelt always among them. He also touched upon the style of room-decoration now pursued, and the religious fervour of æstheticised ladies; and alluded to a lady friend, who, being in the hands of some fashionable decorators, had besought him to tell her the meaning of a 'dodo,' as she had been assured she must have one in each room. Even the dodo, however, he thought, might be overdone.

KNOWLEDGE OF MUSIC.

How can a Sound Knowledge of Music be best and most generally Disseminated? By JOHN HULLAH, LL.D.

IT will hardly, I think, be denied that the majority of our countrymen—the poorer classes of them, at any rate—are worse off than any other people in the world for innocent amusements. Five hundred years ago an observant French traveller wrote of us, 'They take their pleasure sadly, after their fashion.' It cannot be said that our 'fashion' in this matter has altered much since the fourteenth century. We continue to 'take our pleasure sadly'—very sadly, alas, sometimes. Dancing, for example—and this, no doubt, was much in Froissart's mind when he wrote the sentence I have quoted—dancing, practised in their leisure hours by the French and Germans of all classes, is, among ourselves, restricted to the higher and middle classes, and only partially practised among them. I am not going just now to propose that dancing be taught in our elementary schools; though, were there time, I think I could say a good many things in favour of doing so. Nobody would dispute, I suppose, that dancing would, on the part of a considerable number of our countrymen and countrywomen, be a good exchange for drinking; or that the quadrille and the polka might sometimes with advantage to them take the place of the beer-pot and the gin-bottle. But objections to the practice of dancing that it would be a little difficult to answer have no application whatever to the practice of music, by and among whatever class of society. Vocal music, in the first place, is the cheapest of all conceivable recreations. Mind, I mean the practice or making of vocal or any other music, *for ourselves.* Great performers on the voice or on artificial instruments are certainly now to be heard with a frequency and at a cost undreamt of a generation or two back. But, how-

Digitized by Google

ever delightful the hearing of such performers may be, the hearing of ourselves, or, to express it more precisely, the making of music for ourselves, is very much more so. No music, depend upon it, is so charming as that to the interpretation of which we are contributors. If we can—which happily we sometimes can—spend a couple of hours within hearing of a Reeves or a Joachim for a shilling, we can, for as little, possess ourselves of an oratorio, or a collection of part-songs, the study and practice of which might give us delightful occupation for a fortnight. And much of this occupation might be carried on in our own homes and among our own families. I am unable to conceive anything by which family life, in whatever class, would be more delightfully revolutionised among us, than by the more general diffusion of musical skill. By its means and exercise—to limit our view a little—the home of the working man might attain, in things essential to it, the refinement of the *salon*. With his voice, his wife, his children, his neighbours might combine theirs, for the realisation of the most beautiful musical thoughts, often suggested by the most beautiful poetical thoughts ever dictated by composer or poet. This is much, but by no means all. This realisation and all that belongs to it would be simply impracticable without changes in other matters, easily capable, it is to be feared, of much change for the better. Order, cleanliness, mutual forbearance would take--must take—the places of slovenliness, filth, and mutual recrimination; and for some hours in the week the working man might exchange for the hell of the gin-shop that image and foretaste, if such be possible, of heaven—a well-ordered, cheerful home.

But I am departing from my programme; and, to abide by this, I must take it for granted that those who hear me are already agreed that a more general circulation of musical skill in all classes of society is, on the whole, to be desired, and proceed at once to try and show how it—musical skill—can be soonest and best made common, if not universal.

This can be effected best—I had almost said only—in one way; by beginning in the nursery and the infant school. I have spent a large portion of my life in the teaching and promotion of the teaching of adults, not, I hope, without some advantage to them and the musical art itself. But were I to begin life again, I would devote myself exclusively to young children, and never undertake the teaching of an unprepared pupil above seven years of age. Had I free choice in the matter, I should begin with children of the age of five.

Why, you will ask, perhaps, is it necessary to begin this

Digitized by Google

particular subject, of all others, at so very early an age, along with, nay, even before, those all-important and most difficult subjects, reading and writing? Because, while those two subjects are as difficult as they are important, music is as easy to the very young child as it also is important; because, to some extent true of reading and writing, the difficulty of learning it, the difficulty of becoming a *Musician*, increases with every day of our lives. Give me leave here to explain—not for the first time—what I mean by a 'musician,' and why I associate a word in reality so comprehensive with the teaching of children in the nursery or the infant school.

A musician—the musician of whom I am speaking—is not of necessity a good practitioner on any instrument. There are and have been great musicians who played very indifferently and sang worse. Nor is my 'musician' of necessity gifted with any amount of the inventive faculty. He may even be—though this is more difficult—very deficient in musical taste. The essential characteristic of a musician is to know, without ever having heard it, the effect—result or *sound*—of what he sees written in musical character or hears described; or, *vice versâ*, to be able to write or describe that which he hears. In fact, a musician may be briefly characterised as one who can hear with his eyes and see with his ears.

Something of this faculty comes sooner or later to every instrumental practitioner; more of it is indispensable to every intelligent vocalist. It varies, of course, in degree greatly. The great musician may have very inflexible fingers and a bad voice. He is none the less a great musician. For he can not only realise through his eye successions of sounds, but combinations, no matter how intricate, and discriminate the vast variety of relations or relative positions in which they may be presented. Further, he will be able to appreciate exactly the general *timbre* or quality of such combinations from his acquaintance with the individual instruments to which the individual notes forming them have been assigned by the composer of the score before him. The power of reading—*à fortiori*, that of writing—a full score is a very wonderful one, and only attainable after years of study, generally begun in early youth. Something approaching to it may now and then have been attained to by persons who have begun music later, with a strong predisposition for the art, and an amount of industry capable of bearing down before it difficulties insuperable to ordinary men. But the history of the *adult* musical student—I mean, of him who begins as an adult—more often than

Digitized by Google

not ends in something like this. Never realising the fact that the difficulties he experiences are inherent to the thing studied, or to himself, he attributes them to the symbols by which they are represented, and—invents a new musical notation.

Here let me take the opportunity of stating my entire disbelief in the statements by which the invention of new notations—their name is 'legion'—is commonly justified; that the difficulties of music are in the least connected with the way in which musicians, after centuries of experiment, have, all the world over, agreed to express musical ideas, or that these difficulties can be removed or in the slightest degree lightened by the substitution for it of another. It would serve no good purpose were I now to stop to prove—what every musician in Europe accepts as a fact—that musical notation, as we now have it, is the clearest, completest, most easily written and most easily read means of expression connected with any subject or set of ideas whatever. If it be not so, all I can say about it is this: that those who are capable of employing or interpreting it in its highest office, that of writing or reading a full score—and such persons are numerous in all civilised countries—must be gifted with a comprehensiveness, subtilty, and readiness in their application, to which those of a Bacon or a Newton cannot for a moment be compared. And really, with all possible respect for the professors and practitioners of my own art, I cannot believe that they are generally entitled to have this said of them.

I have not yet succeeded in forming even an approximately complete list of new musical notations. As far back as 1824 (more than half a century ago) a Swiss writer, George Marie Raymond, himself a 'new notationist,' collected into a volume reviews of no less than thirteen. The names of their authors, with three exceptions, are French or Swiss. One only of these three is German. The Germans would seem to have done, or tried, less in this direction than any other people, partly because there must be more people in Germany better instructed in music, and therefore more content with the notation they have, than in any other country, and partly because the German Governments have given expression to this common feeling or opinion by absolutely forbidding the introduction of new notations into schools of whatever class.

To return. The first steps towards the general diffusion of a sound knowledge of music must be made in infancy, in the nursery and the infant school-room. I should not care seriously if they stopped for a time at the point which could

Digitized by Google

be reached in either. Mere information, obtained at a very early age—or, indeed, at any age—is often lost afterwards. But the knowledge of, or skill in music, which I want to see given in the nursery and the infant school, is not mere information. It is power, faculty, a part of a child's being, and as inalienable as his brain or his heart, his intelligence or his affections.

How is this power or faculty to be communicated to all or any children? With very little difficulty. I am in a condition to provide, 'with or without a week's notice,' an instructress for every nursery in the three kingdoms, and, on certain conditions, for every infant school. As a fact, nine English mothers out of ten could, with a very little preparation, give to their children, between the ages of five and seven, the sort of training I desire for them. Sufficient ear, on their own parts, to know when sounds just uttered are correctly imitated is indispensable. Any amount of musical science they may happen to possess—and few are now altogether without any—will of course come into useful operation. But the amount of it absolutely needed is very small indeed.

Few houses are now unfurnished with a pianoforte of some kind or other. The nursery teacher need not be, save in the humblest sense of the word, a pianist. She needs simply to know the names of the keys of this instrument, and, as I have said, to be able to tell when, on being struck, the sounds produced by them, are correctly imitated. By a process easy to conceive, and fully expounded elsewhere,[1] she may teach them to recognise and name any one or more of these sounds when struck, or to sound it on being asked to do so. A curious result will flow from this early practice in the cases of some, though probably not all, children. They will learn to recognise, not merely the relative, but the *absolute* pitch of this or that sound; that such a sound is *Sol*, for instance, without reference to the *Do* from which, scientifically, it has to be measured. This power is, I believe, absolutely unattainable by those who begin music as adults. Nor is it indispensable, or even necessary, to the musician in the proper sense of the word. It is possessed, not unfrequently, by very young children, while many whose claim to the title of musicians is indisputable have it but imperfectly. Nevertheless, its possession to the musical practitioner—the singer especially—is an unquestionable advantage; one, I repeat, attainable by many—possibly most—very young children, without the least trouble, in fact, unconsciously.

[1] In *Time and Tune in the Elementary School*, chaps. i.–xii.

Digitized by Google

Subsequently, or along with the exercises I have already described, the nursery teacher will teach her pupils to 'beat time' with the hand, and to know practically the relative durations of sounds, that of the quaver to the crotchet, the crotchet to the minim, and so on. When sufficient readiness in naming notes sounded, and in sounding notes named, has been attained by her little scholars, she will introduce them, gradually of course, to the symbols by which they are represented. They will then shortly learn to realise—*i.e.* to sing—them from these symbols, as they have already sung them from dictation.

Permit me to read you a short passage relative to this subject, from a report I have recently addressed to the Committee of Council on Education:

'At the close of my examination of the Home and Colonial Training College, 1876, I requested the principal of that institution to allow an experiment in "scientific" musical teaching to be made in his *infant* school. Immediately after the following Christmas holiday—*i.e.* at the beginning of last year, 1877—a class of children, sixty-five in number, between the ages of five and six, was formed and placed under the care of one of the teachers, Miss Elizabeth Crocker. For their instruction twenty minutes every fortnight, with now and then five minutes during recreation time, was allowed. What these infants had been enabled to do at the end of, say five hours, distributed over twelve weeks, was exhibited, I am told, at a meeting of subscribers in the following month of April. I examined them myself at the end of October, after my next visit to the Training College. I found that the majority of them could name correctly and readily any sounds within the limits of the same diatonic scale, and give utterance to such sounds when called upon to do so. They could beat time with their hands, and distribute notes of various lengths into measures of two, three, or four beats—*e.g.* of a crotchet and two quavers, of two crotchets and two quavers, of two quavers, a minim, and a crotchet, and the like. I touched on my hand the notes of a tune they had certainly never before heard, and they sang it, with one or two exceptions, accurately. Finally, they sang various simple passages, still "at sight," which I wrote on the black board.'

The method I have thus briefly brought under your notice is, I am convinced, the method by which *all* musical instruction should be begun. Whether the ultimate object be vocal or instrumental skill, or that musician-like power of appreciating musical symbols, of which I have already spoken, *all* children should have their musical sense cultivated by the exercise of

Digitized by Google

the instruments which God has given to every child born into the world—its voice and its ear. I will again trouble you with a passage in relation to this subject which I put forth some time since. I shall hardly convey the same impression to you, I will not say so well, but so briefly, in new words.

'All musical education should begin—the earlier the better—with singing, the rational, intelligent practice of which involves the acquisition of a number of principles and facts, and, more important still, the early formation of a number of *habits*, which lie at the root alike of musical science and skill. This rule having been followed, the beginner, on whatever instrument, would find a great deal of the work, apparently before him, really behind him. Not only would he recognise as a fact that this note was called C and that D, this note a crotchet and that a quaver, but he would know, *before he heard them*, how D and C *ought to sound* in reference to one another, how a crotchet and a quaver in the same strain should be rhythmically proportioned. Above all, his ear being already "formed," having once learned the places on the finger-board, or keyboard, of the notes whose effect he was able to *anticipate*, he would not only, with a little practice, avoid playing "wrong notes," but soon—weeks, months, nay, years sooner than the average beginner—avoid playing right notes wrongly—*i.e.* out of tune.'[1]

The opinions expressed in this passage, which I had long held, received unexpected confirmation, not long after it was printed, in the results of an experiment made in the Male Training School for Schoolmasters, of this very town of Cheltenham, in which we are now assembled. Here a band of stringed instruments has been formed by the master of the Practising School, Mr. Baker. This band I first heard in the month of September of last year (1877). Some of the members of it had had a little instruction prior to their entering the college, but others had first taken up their instruments in the May prior to my visit in September. They were able then (*i.e.* when I first heard them) to accompany, creditably, some of the easier choruses in Handel's oratorios. In September last I heard this band again, considerably augmented, and considerably improved, in spite of the loss of some of the members, who had, in the natural course of things, left the college at the end of their second year's training. It consisted of six first and six second violins, two violas, two violoncellos, two double-basses, and three flutes, besides a pianist and an organist. In a communication respecting the practice, individual and combined,

[1] *Music in the House*, chap. iii., p. 38.

Digitized by Google

of the students comprising this band, Mr. Baker tells me that this is entirely voluntary. 'The practices,' he says, 'are all carried on during the time at the students' own disposal.' And, he adds—what more particularly concerns my present argument—'men who are proficient in vocal music'—all students in training colleges are taught vocal music—'men who are proficient in vocal music quickly become, with the help of a little instruction from their fellows, very fair instrumentalists.' I am quite sure that this expression of opinion has been suggested simply by the success of his experiment.

I will not take up your time in dealing, by more than a passing allusion, with the *à priori* or speculative objections to the sort of teaching to which I have called your attention, and to which I have, all my life long, had to give the same answer, year by year with increasing confidence: 'What will you do with the people who have no voice and no ear?'

We have recently been told by a gentleman who has either not cultivated his judgment in voices or ears, or never visited Lancashire, the West Riding of Yorkshire, Norwich, Cornwall, or South Wales, that these amount to ninety-eight per cent. of the male population of Great Britain, and rather more of the female! All I can say is that, even forty years ago, the 'voiceless and earless' were really but few, or at least not easy to be met with. At this present time they are certainly very few indeed—even if they exist at all.

Students of the ages of nineteen or twenty occasionally enter our training schools who—always with an air of superiority, and as if it were something to be proud of—inform their teachers that they never have been able to imitate a musical sound, nor to tell 'God save the Queen' from 'Rule Britannia.' Sometimes this is found to arise from their never having *tried* to do either; sometimes—a very common case—bad quality of voice has been mistaken for false intonation; and sometimes their own accounts of their incapacities are discredited and proved to be utterly false in the course of five minutes' examination by a skilful teacher. But just now we are dealing, not with adults but with *infants* from the ages of five to seven, and I say of them unhesitatingly that I do not believe there is one in a hundred thousand, free from organic disease, who could not be taught to sing. Even among the adult students in our training colleges the number of absolute 'failures' is very small indeed. I have examined already more than 1,000 such students this year, and I have yet to examine about as many more. I have not yet met with three; and I do not believe I shall meet with three more; and for the existence of these

Digitized by Google

a little enquiry will easily account. They will be found to have come from remote places where music is never heard, and to be members of families who, for generations back, have been in a like predicament.

Music either is or is not an 'educational' subject—one in which every student can, with fair opportunities, attain a fair amount of proficiency, and in the attainment of which proficiency it will be found that his judgment, his memory, his quickness of perception, have been largely benefited. I think it is. If it can be shown that it is not, then I shall be the first to say that the sooner its cultivation is relegated exclusively to the small number of 'inspired idiots' who, we used to be told, are alone capable of making anything of it, the better.

To return to our infants. It is certain that were we once to get music into our nurseries and infant schools, we should desire—our children themselves would desire—to carry instruction in it on to the elementary, secondary, and higher schools. How are we to get this done?

I have often felt and sometimes expressed—I fear strongly—my indignation on finding that a third—about the average—of the students in training schools presented to me for examination, had entered them without any preparatory instruction whatever in music. This indignation was of course directed against the schoolmasters or mistresses with whom these students have served their apprenticeships as 'pupil teachers.' As I have learned more of school work and school life, I have found that there is more excuse to be made for this irreparable neglect than I had once believed. The masters and mistresses of our schools, elementary or infant, are already a hardly worked, if not an over-worked, class; and to add to their already crowded time-tables another subject would seem to be putting upon them a burden greater than they should be asked to, or indeed could, bear. I say 'another' subject; for understand, once for all, that, with rare exceptions, music is not taught at all in elementary or in infant schools. *Songs* are taught in them, no doubt; and a great deal of time, I am told and I believe, the teaching of them takes up. Such songs may or may not serve some purpose in the moral government of a school; as a means of promoting or preparing for the reception of a knowledge of *music* they are absolutely useless, and indeed worse than useless: for to no people is it so hard to teach music as to those who have long practised singing 'by ear.'

But, you will say, why not then substitute the teaching of *music* for the teaching of songs? Is it that our school teachers, male and female, are incompetent to make this change? In

Digitized by Google

some instances they no doubt are; but the number of these cannot, I think, be very great, and it certainly decreases year by year.

During the six years I have had the honour to hold my present office—of Inspector of Music and Training Schools—I have examined individually, and one at a time, about 12,000 students, male and female, who have subsequently gone out as teachers in elementary and infant schools. Of this number, making every allowance for those who actually or comparatively failed in their examinations, two-thirds at least ought to be, or at any rate were when I examined them, competent to 'teach children to sing from notes.' To these may be added a considerable number—which I have no means of ascertaining—who were trained in these same schools before they were subjected to such examination as I have to make; add to these again a large number of 'acting teachers' who have never gone through a college course, and who have picked up in some cases a considerable amount of musical skill in various ways. It would thus appear that there are already engaged in teaching in elementary schools the usual subjects at least 10,000 persons—probably many more—increasing annually at the rate of about 1,000 a year, who could also teach music, and who now, save in rare cases, do nothing of the kind.

The cause of this all but universal neglect of this surely not unimportant duty is not far to seek. Music is the single subject in the elementary and infant school curriculum the results of the teaching of which have never been ascertained with any precision nor, as a consequence, recorded and acknowledged. There is, I repeat, or soon will be, no deficiency of teachers. We have, or shall have soon, in every school, one or more persons who could teach music instead of songs, and who would do so—with a little encouragement and a little pressure. In what is this encouragement and pressure to consist? Simply in the payment for the additional labour the teaching of music would entail, the value of such labour having been tested by competent judges.

My Lords of the Committee of Council on Education have for some time had before them a scheme whereby this body of 'competent judges' could be formed, and in conformity with which they might be directed to work. It has not been suggested, still less proved, that this scheme is in the main unworkable, or that it would not, in its working, prove useful to the country. But my Lords do not think that the time has yet come when an application to the Treasury for the funds necessary to carry it into effect would be favourably received.

Digitized by Google

There are many matters of detail in regard to the subject on which I have had the honour of addressing you to which I have not even alluded. I have striven to keep to and establish two points: (1) the necessity, if we are to make music a universal accomplishment, of beginning the teaching of it very early; and (2) of ascertaining, through competent inspection, that it is, at least in schools aided by public grants, properly taught. No disinclination, on the part of persons in authority, exists to promote—especially among the poorer classes, with whose education they are at present alone or more particularly concerned—the cultivation of music; but they must first be convinced that those at whose cost the cultivation will have to be promoted desire its promotion. Nothing but a strong expression of public opinion will bring about this conviction. I believe this expression to be now imminent.

DISCUSSION.

Mr. James Stables (Cheltenham) wished to express his thanks to Dr. Hullah, not only for the Paper just read, but for his general exertions through a long and active life in the promotion of musical taste throughout the country. Though not a musical man himself, he could appreciate the important part which music contributed to our existence, and he had felt for many years that this country owed to Dr. Hullah a debt of gratitude which it could never repay.

Mr. P. H. Rathbone (Liverpool) said it occurred to him that there was a moral value in the teaching of music which had not been alluded to in the Paper, and that was that it showed how to modulate the voice in speaking. He believed the faculty of modulating the voice was an extremely important element in English life. The English working man unfortunately was too likely to injure his nerves by drinking, and when in that state there was nothing which raised his passions so much as a shrill voice. He believed it would be found a great element of domestic comfort if people, especially girls, could by means of a knowledge of music be taught to modulate the voice.

Mr. Spencer Curwen (London) thoroughly endorsed the closing words of Dr. Hullah's Paper, in which he said that the conviction was growing that music would hold an important place in general education. We were much indebted to Dr. Hullah for the position which musical education now occupied. Dr. Hullah had alluded to the teaching of music in common schools, but he had not mentioned the fact that up to the year 1872 it was one of the subjects for which an extra grant might be obtained. In 1871 only one school applied for and obtained that extra grant, but in 1872 there were about forty which obtained it, and then came the difficulty of inspection. Until inspectors could be provided to examine in the subject the grant had to be withdrawn, and it had so remained up to the present time. He quite thought with Dr. Hullah that when any further demands were made upon the Education

Digitized by Google

Department it must be for work which was being done. When 'my lords' had become more liberal and were prepared to consent to Dr. Hullah's request, the simplest thing would be to restore music to its place among the extra subjects and to pay for the teaching of it. In Wales and Scotland nine out of every ten of the common people who were learning to sing were being instructed on the tonic sol fa system. In England the proportion was rather less. The only possible explanation of the success of the tonic sol fa system was that by its means music could be simplified—simplified at least in the manner in which it was expressed. The system, moreover, was not antagonistic to the old system but in complete harmony with it, and where it was possible teachers always taught the old notation as well.

Mr. Heathcote Statham (London) had heard it said that music was not an art, and that this subject should have gone into the Education Department; and the reason given was that music was only an emotional expression, while art, properly speaking, was an imitation of nature. But music was based upon nature, at least on the metaphysical proportions found in nature. It was no use learning music by 'rule of thumb,' and we had a practical proof of that in the case of those who learned solely by what was called the ear. It had been shown in a recent correspondence in the *Times* that the country was spending 100,000*l.* a year for teaching songs by ear in schools. That large sum of money was not only thrown away, but worse than thrown away, for, after learning ninety-nine songs by ear, the children did not acquire any greater facility in learning the hundredth. Then the musical instruction in ladies' schools was in a most deficient state. He had often found ladies who could play a piece well, but when asked what key it was in were unable to give any answer. No encouragement was given in such schools to a scientific study of music; in fact, music was not taught in these schools at all; all that was taught was the show part of it. This was an important deficiency. A knowledge of the construction of music would add immensely to the facility of playing it, and it must be remembered that no system was of any real use which did not teach people to read the recognised notation as it existed. All musical literature was written in the old notation, and if we were to have a new system we should have to engrave or write all the music in the world over again. The existing method of writing music, moreover, was sufficiently easy, and it was indelibly associated with our musical sentiment. Thus, when a man of musical knowledge took up a score it was like a picture to him; he heard it with the eye. We could not obliterate all that.

Mr. Lamport (Wellington, Somerset) agreed with Mr. Rathbone that there was a moral aspect in which to view this question of musical education in regard to the cultivation of the faculty of modulating the voice. There was also a physical aspect in which to view it, and that was the part it would take in strengthening the lungs of young children. From this point of view the cultivation of singing was of the most vital importance. The cultivation of singing in early life would, moreover, enable parents to judge of the taste of their children, and so save much useless teaching afterwards. Music was not a mimetic art: it was rather a language, the most natural and effective for the expres-

Digitized by Google

sion of emotion. He cordially agreed with the views of Dr. Hullah, and trusted that the scientific teaching of music in elementary schools would be made an essential of our educational system.

Mr. J. A. MATTHEWS (Cheltenham) thought that one reason for the defective musical training in ladies' and other schools was that the theory of music was not sufficiently inculcated. One of the best methods of teaching was to impress upon the students the theory of music with the aid of the voice, and his experience was that these two combined formed a most interesting study. He quite agreed with Dr. Hullah as to the importance and practicability of teaching young children. Any child with an ear for music might be taught as soon as it could read its letters. A child in fact might as easily be taught its notes as its letters.

Dr. JOHN HULLAH, in reply, said there had been perfect harmony. He had anticipated that some objection would have been raised against his proposal to teach very young children to sing. It might have been said that it would be too severe a physical strain, but the best answer to that was that the amount of exertion which it would call forth would be very small; at the outside only about ten minutes a day, and if that would kill a child perhaps in one sense it was better that it should. But he believed it would be found that instruction in vocal music would prove as beneficial to the child's body as he was sure it would in after life to its mind.

The CHAIRMAN (Mr. Godwin, F.R.S.) said he sincerely wished that something could go forth from the meeting to show how strongly they felt the importance of a universal teaching of music to the youngest children. The machinery was at hand, for they heard that there were fifteen thousand persons ready to teach. They seldom heard anyone deny the immense value of musical training; they did not want to look about for half-a-dozen reasons for teaching singing. It was a delight, and calculated to make the world happier, and that in itself ought to be a sufficient reason. He earnestly hoped those in authority would take the matter up and endeavour to advance the progress of musical teaching. He cordially agreed with all that had been said as to the importance of beginning to teach music at an early age. It was quite certain that everything must be begun then.

The Rev. Canon BELL, D.D. (Cheltenham), said the moral and physical effect of music had been referred to, but its religious effect had not been touched upon. He desired to urge this point—music was a great handmaid to the clergyman's work among the poor. It had a most refining and softening effect upon them, and indeed upon all. He thought it undesirable that the meeting should separate without coming to some resolution, and he would therefore move: 'That in the opinion of this meeting it is desirable that the Council of the Association should suggest to the Government the desirability of promoting a more scientific teaching of music in elementary schools.' The motion was carried unanimously.

Digitized by Google

Art in Towns and Villages.[1]

By what means can good Examples of Art be brought within the reach of the Population of small Towns and Villages? By T. C. Horsfall.

In preparing a list of the means which I believe to be the best for bringing examples of good art within reach of the inhabitants of small towns and villages, I have had to think of many branches of art. For what we wish to do by bringing good examples of art within the reach of country people is something wider than can be done by help of any one of its forms. We have first to create conditions under which art can thrive in small towns and villages, by using means to develope in country people dormant powers of thinking and feeling; and, secondly, we have to teach country people what good form is, to make them wish to have it in everything they use, and wish to give it to everything they make. Music and pictures can do more to strengthen powers of thinking and feeling than any other forms of art can do, and I have therefore to show what are good means for bringing them within reach of country people. But goodness of form in pictures and music is of too complex a nature to give knowledge of what right form is to the people we have to think of. We must show them good form in things much simpler, and much more familiar to them than pictures are—in dress, in houses, and the furniture and fittings of houses.

I have been forced, for other reasons also, to take the word Art in a wide sense. We cannot doubt that all branches of art are as closely connected, are as much parts of one system, as the arteries and veins of the human body are. If the life blood do not flow strongly in one, its flow will be languid in all. Disease in one will poison all the rest. A nation which is indifferent to wrongness of form in one thing, is not likely to have a very keen sense for rightness of form in anything. And even if we believe that knowledge of one form of art can do more good in England than knowledge of others, we shall find that the other branches are among the best means we can use for bringing examples of the one within the people's reach. We shall, I believe, waste least effort if we try to spread knowledge and love of art rather than of any one form of it.

England is already very rich in things which can be used as means for bringing good examples of many kinds of art within reach of the people of villages and small towns. In

[1] See *Transactions*, 1877, p. 738.

Digitized by Google

almost every parish there are good school buildings under the control of intelligent persons; there are Sunday schools everywhere, there are already hundreds of working men's clubs. In addition to these we need a good cottage in every village, and in each small town one or two large rooms.

The human means necessary for our purpose are almost everywhere abundant. There are our parsons and squires, and Sunday-school teachers, and the thousands of other people with some education, some leisure and some money, who feel goodwill towards the working classes, which they know no good way of showing. What is most needed is to show all these people how the places I have mentioned can best be used.

It is no use to try and discover how dress, houses, and the things used in them, came to have generally bad forms in England. It is enough to know that they continue to have bad form, chiefly because children's eyes, from the time they first open, see few but bad shapes. If a change is to be made, children must very early see some good shapes; they must be taught to know the difference between good and bad shapes; they and their parents must have models of good shape always close at hand to refer to; must see that things with good shape are preferred by people better educated and richer than themselves; and they must be told where they can buy such things and at what price. If all this is to be, we must at once reach the homes of the people with art-teaching. It is now much easier to do this than it has ever been before. For, happily, school is now part of the home of almost every English child, and it is a part we can reach much more quickly than we can the houses of the children's parents. The school can easily be made a most efficient art-school. Every part of its furniture and fittings should have good shape, and the children should sometimes be told why the shapes are good. Very few pounds would buy for a school a small collection of cheap well-shaped cups and saucers, jugs, plates, and other things used by workpeople; and a few things of the most common bad shapes. In a few hours one of the givers could write on cards, one to be placed by each thing, the reasons why one shape is good and another bad. These things, placed in a glass case in the schoolroom, would soon be standards by which the more intelligent children would judge the cups, teapots, &c., in their own homes. If things like those in the school collection were used at school tea-parties, a few words from the clergyman of the parish would call the attention of all who used them to their merits, and would lead a few people to examine all the models

Digitized by Google

in the school collection. Such pictures as I shall soon describe should also be placed in every school. Every working men's club, too, should contain a collection of pottery and of pictures.

Of products of art available for our purpose, there are few more important than houses and dress. Mr. Ruskin told us a long time ago that we shall never have much good architecture in England till we have one national style, because not one architect in a hundred can know at all well the great number of styles which architects are now called on to use by people whom houses and churches of a score of different shapes have left quite uncertain what form house and church should have, and even what form they wish them to have. Were most buildings for the same purpose built of one shape, architects would be trained to know its most perfect proportions, would apply it to the wants of each builder of house or church, as easily as a poet writes a metre which he habitually uses; and they would have much energy of thought and fancy left for detail and ornament which would vary in each case just as size would vary. Those who know how much more beautiful than most modern buildings are the old halls, cottages and shops, all having much the same form, which are found in and near such towns as Chester, will not doubt the rightness of Mr. Ruskin's opinion. By help of school buildings, something might be done to secure the predominance in villages of one style of architecture. Many parts of school buildings may conveniently have the same shape as should be given to corresponding parts of workmen's houses. They should be models of right form, and a clearly printed table should be placed in the school-porch, giving the reasons for believing them to be of good form. In every village and in every small town there should be, for the guidance of the whole place, one model cottage, of the old gabled form which suits so perfectly all English scenery; and in it there should be all the things needed by working people. The following extract from a paper, bearing on our plans for an Art Museum in Manchester, shows what these things should be: 'A space of the size of a workman's cottage might be marked off in the museum and fitted as the cottage of a workman might be, with the few pieces of furniture which he needs, all, while strong and simple, of good form and excellent workmanship. The walls would be covered with cheap paper of pleasant colour and pattern, and on them would hang a few bright drawings. All the other things, too—curtains and crockery—would be cheap, but of good shape and colour. Such a room, seen by thousands of workpeople, would teach more successfully than any lecturer or books that beautiful

Digitized by Google

things give pleasure, and are within the reach of very many people whose homes now contain nothing which gives them the least sense of pleasure.' The rightness of shape and colour of everything, and the meanings of the pictures, should be made intelligible by printed explanations, and the price of each thing, and a list of the places where it can be got, should be given. In almost every village there is some pensioner of the squire —some old man or woman—who could be made custodian of the cottage on condition of showing it and its contents to everyone who wished to see it.

That which Mr. Ruskin tells us is true of architecture is also true of dress. English women will never be well dressed till we have a national form of dress, because there is not one milliner in a thousand who can design a good new shape, and there are as few dress wearers who know how dresses of each new fashion can be made to suit their figures and complexion. But if there were a national shape, every woman would be able to discover how it could be made to suit her best. Invention would not be strained, and the individuality of each wearer would show itself in choice of colour and ornament. It is of great importance that the dress of English women should be more beautiful than it now is. For in love of dress that which may be trained to be love of art shows itself first in most women, and women's dress of good shape and colour is a form of art which has a strong influence on most men. Love of dress can easily be trained in women to foster love of other kinds of art; and while it is mistrained, as it now is, it gives a bias towards badness in all other tastes. The Sunday dresses of the women in small towns and villages will soon be more beautiful than they now are, if educated women, who wish their culture to be of use to other people, will, when they go to church, to Sunday schools, or meetings,—whenever, in short, they appear in public —abandon Parisian fashions and wear dresses which, of cheaper stuff, would be suitable for poorer women. If simple but pretty and well-made frocks were given as school prizes to girls, the recipients would care for them much more than they care for most prizes now given, and the frocks would do much more good than prizes now do.

I need say very little about teaching love of originality in art. All that we need do is to train everyone to know that rightness of form involves usefulness and beauty. Each workman's and each user's ideal of beauty and usefulness will differ more or less from everyone else's. If each try to reach his ideal, there will be quite enough originality shown, but the forms made and bought will not be as extravagantly divergent

Digitized by Google

as many of those are which we see now when what is sought is novelty, 'uncommonness' of form, and not realisation of ideals of beauty and usefulness.

Pictures of which I have now to speak, to be useful for our purpose, must not only be brought within reach of villagers' eyes: they must be of things within easy reach of the minds and hearts of villagers. Moreover they must be lived with and not be only seen, and those who live with them must think about them while living with them. Pictures must either make country people see more clearly the beauty and greatness of things already felt to be beautiful and great: or they must reveal beauty and greatness hitherto unperceived in well-known things; or, if things hitherto unknown be represented, they must be shown much more fully than little known things are often shown by pictures to people of any class; and the pictures must be accompanied by sketches and printed explanations. But if pictures are not only to reveal beauty and greatness to the inhabitants of villages and small towns, but are also to give the wish and the beginning of the power to express by means of art impressions received of beauty and greatness, they should chiefly belong to the first two classes. Within these limits lies an immense area, and ready for our use there are many admirable pictures which deal with things within it. Are there not subjects enough for art in and round the lives of the people of our villages and towns, who, however distressingly indifferent they may be to the banqueting customs of the ancient Egyptians and to a thousand other things which we are supposed by painters to greatly care for, yet work and play, have to face disease and death, and often poverty; who have sweethearts, wives, husbands, and children; who know that there is a difference between right and wrong; who wish to do well yet yield to many temptations; who believe in God and in Jesus Christ, and have hopes of eternal life? No one ever tires of looking at pictures of his wife and children, or of anything that he really cares for. Villagers will like to see pictures showing the lovableness and beauty of wives and children like their own; pictures of animals that they know; pictures which make them see how beautiful are the places near which they live, and which they like without knowing that they are beautiful; pictures that show them the goodness and desirableness of true manly and womanly life, and help them to prefer the better things which they already approve though they follow worse.

If painters will give up the fallacy that in any one country the whole region of the beautiful is the province of art, and will paint only things that are already, or ought to be, of

Digitized by Google

interest to the majority of their countrymen, they need not fear that their pictures will be found monotonous. Pictures will then no longer be only the delight of the æsthetic few who give to play with and talk about their toy much of the time which most people always must give to bread-winning work. The painter's art then will count for as much in the national life as great art always has counted for in the life of the people among whom it existed. If in each village school-room where the village children meet almost every day, and their fathers and mothers meet sometimes, there were even two pictures—pictures with the charm of colour would be best of course, but failing that, two sepia or pencil drawings even—one keeping fresh the memory of some heroic action, some Christlike deed done, or well-known in the village; the other testifying to the loveliness of the most beautiful place near the village, and this latter picture had a key sketch under it, giving the names of all the principal things shown in it,—if there were in each village two such pictures, painting would be doing far more for the culture of both poor and rich than it can be made to do by any number of ordinary exhibitions. It would reach the poor, and it would no longer confuse, as it now does, the thoughts and feelings of the rich by claiming from them wider sympathy and greater knowledge than most of them can ever have; but it would, on the contrary, give clearness and intensity to their feeling and thought about things most worthy of thought and feeling; and that is the highest function of the noblest art. It is a mistake to say that such pictures cannot be got. The statues of Phidias, the bell-tower of Giotto, the Madonnas of Raphael, the plays of Shakespeare, all show that artists do their best work when their task is chosen for them, not by them. If there be a few hundred people in England who wish to have such pictures, the pictures will very soon be painted.

Before I show how the inhabitants of small towns and villages can be enabled to live with pictures, and to think about them while living with them, I must try to show that a very popular saying about art is untrue. The saying is that art is neither moral nor immoral, but unmoral. If we were machines, which, without any exercise of will gave good form to everything subjected to our action, or if mere instinct prompted us to wish to give good form to things we use, and to our thoughts and feelings about things, then art would be unmoral. But if art mean for us the knowledge and feeling that one form is better than another, the desire to give best form to, and the direction of shaping power towards those things the best form of which strengthens the best and noblest side of our nature,

Digitized by Google

—if art be that by which men, to whom God has given deepest insight into the loveliness and majesty of His works, show to others of less insight and less keen feeling, by aid of form and colour, of written or spoken words, or of musical sound, part of that which it has been given to them to see or hear,—if art be all this—and this is, I think, what most of us mean by art—then art is not unmoral but deeply moral.

The conduct of the man who seeks to give right form to the meanest utensil is surely akin to that of the Christian who tries to obey the commands of Christ, seeing in them a revelation of what man's life should be. Certainly, in England the cause of art is the cause of religion, not only because art can be made here the best handmaid of religion as she was in Greece and Italy, where she gave clearness and intensity to religious thoughts and feelings, which but for her would have been dim and weak; but still more because love and knowledge of art involve the activity of healthy thought and healthy feeling, which are the servants of God, and draw everyone in whom they predominate into His service also. Everything that we do to make people delight in the rightness of form of things worthy to have good form given them by man, does something to break the power of those best servants of the Devil, torpor of heart and torpor of mind, which make hundreds of thousands of English men and women irreligious drunkards.

If English people are to live with pictures, and to learn to think of pictures, they must be enabled to give part of Sunday to the study of pictures and of the lessons taught by them.

There are two chief ways of doing this.

There are already in England a few picture galleries, and these should be at once opened on Sunday afternoons. In each there are some pictures of things or places that are interesting to the majority of English people. Each picture should be provided with a few clearly printed lines of explanation of its meaning. This would at once much increase the attractiveness of the gallery. For though many workpeople could not read the explanation, in every three or four there would be at least one who could read it to the rest. In each gallery there ought to be pictures in series, each series telling a tale with some approach to completeness. The meaning of such picture and also the parts of the tale left untold by the pictures, should be told in clearly printed words. The popularity of the Hogarths in the National Gallery and of Mr. Frith's series of pictures in the last exhibition at Burlington House, are in great measure due to their telling a story clearly. But small

Digitized by Google

galleries—and those in small towns and villages must be small—cannot be made very attractive by means only of pictures. Looking at pictures is a most tiring occupation, unless there be something in the gallery to give occasional rest to the eyes by calling into action other senses. In every picture gallery good music should be played on Saturday and Sunday afternoons, and the same pieces should be repeated week after week till they are well known to most of the people who hear them—just as we in our own houses have music played over and over again till we know it. The Art Treasures Exhibition held at Manchester in 1857 owed much of its great success to the fact that good music was played in it every day. The experiment of giving good music at an exhibition of pictures in a small town was most successfully tried last month in Stockport. When the larger experiment of providing each picture with an explanation of its meaning, and of having good music played on Sunday afternoons has been tried in existing galleries, educated and religious people will, I believe, see that they have hitherto neglected to use the most efficient means that can be used for civilising the poorer inhabitants of small towns and large villages, and for giving them the knowledge, feeling, and habits, without which religion is little better than a name. Then probably a small picture gallery will soon be built in every small town. For the cost of a gallery large enough to bring good examples of music and of some other arts within reach of several hundred people, need not, where land is cheap, exceed a few hundred pounds. Good etchings, woodcuts, and other engravings are not expensive, and when provided with explanations, they are far more interesting to most people than most good paintings can be without explanations.

Sunday schools are undoubtedly amongst the most efficient means we can use for bringing good examples of art within reach of the inhabitants of towns, large and small, and of villages. At present these schools are often almost failures, so far at least as their influence on conduct goes. The children who attend them gain a little knowledge, but they seldom learn to care for gaining knowledge, and very many of them do not learn how to live rightly. Many of them when they get old enough to have their own way, desert the school. And while children dislike learning, teaching them is necessarily hard and disagreeable work. It is very desirable that the only work done on Sundays should be that which must be done, if Sunday is to be for the greatest possible number of people a day of recreative rest. If all the work now done at Sunday

Digitized by Google

schools had a better effect on the conduct of the children than anything else we could do on Sunday could have, and gave them the best knowledge that can be gained on Sunday, then of course the work of teaching them as they are now taught, however hard, ought to be done. Part of it—the direct religious teaching—undoubtedly cannot be changed. But I believe that some of the most irksome Sunday school work is unnecessary, and that if we will accept the help of art, a kind of knowledge which will be much more easily given, which will have a much better and more lasting effect, and be much more eagerly received than that now given in Sunday schools, can be given in them to a far larger number of people than can now be induced to attend them. Let us offer to the children who now attend the schools, to their elder brothers and sisters, and to their fathers and mothers, every Sunday afternoon, an hour or two of just such pleasant life as we have in our own homes on Sunday evenings, and which we owe in great measure to our knowledge of good art, and to the examples of good art now common in the houses of fairly educated English people. Far more people would then help than can be got to teach now in Sunday schools, because all that would be needed would be that each person should do what he or she could do easily. The village school, provided with some interesting pictures, with a collection of things used in houses, all of beautiful and useful shape, and with a piano, would offer almost all that would be needed if half the people in a country parish attended the school.

To so use art in the Sunday school as to free ignorant people from torpor of mind and feeling, we must show them it in such a way as to give them the sense of power, and the wish to go further, which people have who feel that they have made a step forward, however small. We can learn how to do this from our own experience. Probably nine out of ten of us made the first step towards love of music, and towards wish to study it, by hearing nursery tunes sung over and over again to us by our nurses and mothers, and made our next step by hearing, still in our own homes, less simple songs sung again and again till we knew them by heart. Repetition of melody then is what best helps us to learn music, and prepares us for caring for harmony in part-songs, and in such concerted instrumental music as we hear at concerts, and hear necessarily so seldom that, if our memory were not already trained, we should remember nothing of it. Yet we seem to believe that to make people ignorant of music care for it, we should

Digitized by Google

let them hear chiefly part-songs, and complex instrumental music, or that if we let them hear songs we need not take care that the same songs shall be heard time after time.

In Sunday schools then, good songs for one or two voices—all good songs are 'religious'—should be sung week after week till the hearers know them by heart. To make singing pleasanter to the majority of singers, and to make voices which are good only in part of their range, available for our purpose, such songs should be sung by several voices in unison. Then most of the people in a village or small town would soon have their memories stored with the words and tunes of good songs, and we who wish to be the children of light should no longer allow those children of this world, the keepers of music halls, to be so much wiser in their generation than we are. The power of repeated melody would no longer spread over the land only such songs as 'Slap Bang,' 'Champagne Charlie,' and 'By Jingo if we do.' The same principle should be applied to our treatment in Sunday schools of literature and pictures. A single good lyrical poem, read again and again till most of the hearers remember it, will be of more use than the whole of 'Paradise Lost.' A single passage of one of Shakespeare's plays fully explained, and made comprehensible by aid of drawings, will excite far more love of literature than the whole play read only once without explanation could do. A single picture, if an ignorant spectator's attention has been called to its meaning, and to its painter's mode of treating his subject, will leave him with far more knowledge of painting, and far more interest in pictures, than a whole exhibition of unexplained paintings could do.

Might not such things as these be done in Sunday schools? Would not such kindly fellowship between rich and poor, and the knowledge by the poor that use of heart and brain gives better pleasure than can be gained in drinking—now the chief occupation of the poor on Sunday evenings—would not this fellowship and this knowledge do more for religion than lessons in Scripture history and Scripture geography now do? And are there better means conceivable for bringing good examples of art within reach of the inhabitants of small towns and villages than these which show them not only good art, but, too, people whose lives art has purified and refined? If we refuse to use these means because we believe that 'desecration of Sunday' is involved in efforts to induce the people who now spend Sunday evenings in beerhouses, to spend part of Sunday in seeing that the works of God, as reflected in the works of His most gifted creatures, are very good—then I fear

Digitized by Google

that it would be fruitless for us to attempt by any means to bring good examples of art within reach of any class of English people.

On the Same. By Colonel G. F. Blair.

THE reply to the question appears to me naturally to divide itself into three heads, viz.:—

Firstly. By the establishment of local art exhibitions.

Secondly. By the formation of local societies for the support of these exhibitions, and the encouragement of art generally.

Thirdly. By enlisting the sympathies of the county nobility, gentry, and influential residents in support of these institutions.

The first proposition seems too indisputable to require much argument in support of it. If disputed at all, the fact is fully established by the success of the loan and other exhibitions already existing in Birmingham, Manchester, Bristol, Dublin, Glasgow, Edinburgh, Brighton, Nottingham, Worcester, &c., &c. I have myself witnessed the success of similar measures at the utmost confines of the British Empire, viz. in British Burmah, the south-eastern corner, and British Columbia, the north-western corner. I may then without egotism, venture to give my own experiences in this matter.

In 1870, when Lord Mayo was Governor-General of India, H.R.H. the Duke of Edinburgh was expected on a visit to that country. Amongst other arrangements made to give His Royal Highness a fitting reception, was a Soldiers' Industrial Exhibition, to which officers were also invited to contribute; Lord Mayo giving a first officer's prize for painting, worth 60*l.*, and a non-commissioned officer's, or private's, worth 40*l.* This exhibition was a great success, and was warmly supported by both officers and men in all parts of India. The exhibition was held at Agra, and though my battery was then quartered on the frontiers of Burmah, thanks to the liberality of Government in regard to leave and travelling allowances, several of my men, one of my subalterns, and I myself, contributed to it. It was to a great extent got up by Colonel (now General) Biddulph, Royal Artillery, himself an excellent artist; and I believe it exists to this day in the form of the Simla Annual Fine Art Exhibition.

Again, in the Dominion of Canada, Lord Dufferin, also an artist, established a Fine Art Exhibition in Toronto, and I can bear witness to the warmth, nay, avidity, with which it

Digitized by Google

was supported, from the utmost confines of the Dominion, viz. in Vancouver's Island and British Columbia on the Pacific seaboard, from whence many specimens of art (chiefly photographs) were forwarded to the exhibition. From these facts, I think it is manifest, as though by mathematical demonstration, that where any effort is made by the worshippers of art and beauty to support it, such effort is gladly welcomed throughout the British dominions by every grade, from the prince on the throne to the private soldier in the ranks; and that there can be no more successful means of 'placing good examples of art within the reach of the population of small towns and villages,' than that which has already proved so successful in large towns, and in distant dependencies of our vastly extended and scattered Empire, viz. by the establishment of local exhibitions, and, if practicable, permanent art galleries, available at low rates of admission to those who care to utilise them. I say, at low rates of admission, *advisedly*, for I think admission by payment greatly preferable to altogether gratuitous admission. That which costs nothing is almost sure to be undervalued, and thus to fall into contempt and eventual disuse.

In fact the successes of neighbouring towns seem to me to cry aloud to us, 'See what we have done for our population: go ye and do likewise.' The Church herself has just set us an example, for the Church Congress at Sheffield, recently assembled, held as in former years an Exhibition of Ecclesiastical Art.

Supposing then that this *is* the best method of bringing good examples of art within the reach of small towns and villages, we naturally come to the next question, of how it can be best carried out. I reply, by association, that is, the formation of a society or societies, having for their aim the above object, and copying the example which has been so ably set us by some of our nearest neighbours. I allude especially to the inhabitants of Worcester.

Some amongst us have wealth, some artistic talent, some leisure, some have all these; and there are I think few among us who could not contribute something, from one or other of these sources, to such an enterprise as is here contemplated. In union is strength, and by union we shall bring *all* the above qualifications to our aid. By union, I do not mean that the conditions, institutions, or rules of any existing society should be disturbed, in a probably hurtful endeavour to merge them into one; but that all should unite in working out this scheme, which must be so beneficial to all. But I shall per-

Digitized by Google

haps be asked, 'What do you mean by existing Societies? We were not aware that any such Societies existed.' My reply is:—I refer, in the first instance, to the School of Art, an institution whose master and many pupils, past and present, should be able to give us much help in many ways. I have been asked to serve on its committee, and know that it would gladly help, with loan articles from South Kensington Museum.

Secondly, I allude to an institution, of whose birth and existence (it being still in its infancy) many of you are as yet unaware—the Cheltenham Amateur Fine Art Society and Sketching Club, a society to which I have much pleasure in belonging, and on whose committee I have the honour of serving, and which, had I had my own way, should long since have placed prominently before the public; but the more cautious and probably wiser counsels of others longer resident in Cheltenham than myself, and therefore better able to judge of the exact amount of private nursing this tender but promising bantling required, before it could be trusted to show itself in public, prevailed, and it has hitherto lived in that strict seclusion from which it is hoped it will be shortly suffered to emerge, and take a prominent part in the establishment of an Annual Exhibition, and a permanent Art Gallery in Cheltenham. This institution is the offspring, mainly, of the efforts of a comrade in arms and a brother in art, and though it has existed as yet rather like Moses in the bulrushes, it may prove a very Hercules in its cradle, and strangle with either hand the twin serpents of discord and jealousy, should they ever threaten its existence.

Again, the educational societies of this very educational town may fairly be appealed to to give their aid in support of such a movement. A knowledge of art is, in the present day, almost an essential part of education, and though an appeal of this class would be made especially to the art departments, mistresses, masters and pupils of our educational establishments, I would yet beg the heads of these establishments to consider whether, because the head is not the hand, or eye, 'is it therefore not of the body?' Is it not rather that central intellectual force, from whence the action of the eye and hand (as the Art Department may be called) emanates, and is controlled, and by which it should be guided into that course which is most beneficial to its own educational interests, and to the benefit of that society of all grades, in the midst of which it has pleased God to cast her or his lot.

To our sisters and brothers in art, both professional and

Digitized by Google

amateur, of our own Society or of any other, I appeal without hesitation or doubt, as to their support, having already been promised it to a very large extent; and invite them cordially to enter into that generous and unjealous rivalry, peculiar to the cricket field and the artist's studio, where each one while he endeavours to excel him whom he regards as a rival, or an opponent, yet regards that rival or opponent with all the more true and generous admiration, when his doings and productions outshine his own, and this invitation or challenge, whichever you prefer to call it, is offered without hesitation, as it is well known that there are some amongst our amateurs in no degree inferior to their professional brethren.

To the trade in colours and artists' materials, I would also appeal for support of this design: as remarked by a professional artist well known to many of us here, 'There is nothing in the present day that seems to pay so well as art exhibitions,' and there can be no doubt about the effect that would be produced on *their* trade by the establishment of an annual exhibition, and a permanent art gallery. In fact, what is wanted is that Gloucestershire should have its own 'National Gallery' and 'Royal Academy;' and it is certainly to the best interests of the trade to see that we have them. It will perhaps be said that I am individualising too much, and advocating a certain course for Cheltenham in particular, instead of treating the subject generally. If so, let me remind the querist, that 'Example is better than precept,' and that the best reply to be given to the question proposed, is to add one more successful example to the many already existing. In France, the institutions proposed to be established here, exist in almost every small town and village; and if members from our villages will only come forward to support the movement, there is no reason why in every village that chooses in this county, branch societies should not be established in connection with the Central Art Association, having its head-quarters either at Gloucester or Cheltenham, or alternately in either. I will here read you the remarks of a professional artist of our county on the subject:—'So rapid has been the growth of art in England, that I feel sure the time is not far distant when every small town and village will possess its own art gallery and museum—when the nation to a man will be imbued with that true love of art which pervaded the mighty empire of ancient Rome. Through her military genius Rome succeeded in despoiling the whole world, and though we may not admire the means by which she attained supremacy over the surrounding nations, yet we can

Digitized by Google

appreciate the art love, which caused her to embellish her capital with the glorious masterpieces of art stolen from her enemies—for by her conquests she rendered her city supereminently beautiful. Painting was honoured by her citizens, and those who practised it successfully were rewarded with the rights of citizenship, and the most exalted dignities were conferred upon them. We may form some idea of the extraordinary profusion of art productions amongst them, when we are told by Pliny that Rhodes—the capital of a not very extensive island, possessed 3,000 statues, in bronze and marble. Nor were the Athenians less amply provided, while the people of Olympia and Delphi had many more, and those possessed by Corinth were innumerable, all of great beauty and high value.'

Nicomedes, king of Lycia, was so eager to possess a Venus from the hand of Praxiteles, that he expended nearly all the treasures of his people in the purchase of it. So highly did the Romans honour the arts, that Marcellus, when he sacked the city of Syracuse, not only commanded his soldiers to respect a renowned artist residing therein, but in attacking the above-named city he was careful to refrain from setting fire to that part of it where a fine picture was preserved, and he afterwards caused it to be carried in triumph and with great pomp to Rome.

The same love of Art will, I hope, permeate every stratum of English society; keeping before us, as the example most worthy of imitation, the *noble desire* of the greatest intellectual people the world has ever seen. To *advance art* by every means in their power, we may yet reach the same point of excellence, and become the greatest art nation in Europe.

I do not say this without sufficient foundation; for the French critics this year, in reviewing the works of English artists now exhibiting at the Paris Exhibition, have pronounced our school to be the one full of the greatest promise. M. Duranty says: 'Above all towers English art, original, delicate, scrupulously true, expressive, full of a lofty intellectual "dandyism," full of sensitiveness, grace, and refined tenderness; full of historical sentiment which joins modern things to the lofty accents and strong attractions of the past; an art of penetration, elegance, and poetry absolutely bound up with the genius of the nation; an art in which melancholy is joined to pleasure, and singularity to precise reality.'

I should like to see in every town a gallery devoted to a collection of engravings and photographs from the *chef d'œuvres* of the old masters, chronologically arranged, so that a person

Digitized by Google

who has but a confused idea of art generally may see at a glance its rise and progress.

The sooner such a gallery is commenced the better for all classes, as it may originate and promote in them a desire to know more about art and its history. 'Art is long and time is fleeting;' therefore, do not let us delay, but be up and doing, for as Horace, in one of his inimitable odes, has said:

> E'en while we speak, the stream of Time
> Rolls rapidly away;
> Then seize the Present, use the Prime,
> Nor trust another day.

And lastly, I would venture to address an appeal to the clergy for their support. It is almost beyond dispute that a refined and elevated taste in art is one of the most wholesome influences that can be brought to bear on the mind in a moral point of view; for are not we the worshippers of the beauties of Nature and Art, but the worshippers, through the medium of the hand and eye, of that very beauty whose radiation we behold in Nature, and its reflection in Art, and which it is the exalted privilege of the clergy, as the commissioned officers of the King of kings, to make known to us by word of mouth?

If I have not now said enough to influence the noble, the wise, and the wealthy of this county to support the project proposed, I have at any rate done my best, and trust that abler hands and more eloquent tongues will take up the subject and follow it to a successful issue, in the formation of a 'County of Gloucester Art Association'—a course that would be equally applicable to every county in the kingdom that chose to follow it.

DISCUSSION.

Mr. G. S. Penny (Gloucester) agreed entirely with the reader of the last Paper. The idea was an admirable one if it could only be carried out. Colonel Blair had mentioned an amateur sketching club as one of the societies in Cheltenham, but he had not mentioned another club—the amateur photographic society. Photography had been called the black art, and it had also been alluded to as the 'foe-to-graphic-art,' but that he thought was a libel upon it, for he regarded it as a branch of fine art. There was scope for an individuality in the work of the photographer which corresponded to the touch of the painter, and in his opinion photography ought not to be shut out from consideration when discussing questions affecting art.

Mr. Mark H. Judge (London) thought the two Papers taken together gave a very pertinent answer to the question under discussion. Colonel Blair had told them that what they wanted to do was to establish art

Digitized by Google

galleries in small towns and villages, in fact to bring to the smaller towns the advantages which the larger ones already possessed, and he had referred to what was done in France. Mr. Horsfall had alluded to what was required to make these art exhibitions really popular in this country as they were in France, which was that they should be open on Sundays. Mr. Judge thought if we compared what was done in that country with what was done here, we should come to the conclusion that the conditions in force in France ought certainly to be taken into account if we wished to obtain the same results in this country. He was glad to find that Colonel Blair had called the clergy to account in this matter, and that he had classed art galleries among the principal mediums for bringing about a higher artistic taste among the populations of this country. Though Colonel Blair did not express his agreement with the proposal in Mr. Horsfall's Paper, he hoped he did not disagree with it and that he was willing to see art galleries open on Sundays. It had been found that wherever these galleries were open on Sundays, the day when the people had leisure to go and see them, they took advantage of the opportunity. If this movement for extending a better artistic feeling in small towns and villages was to bear any fruit, this would certainly have to be done. In every instance in which the artisan classes had been called upon to express their opinion on this matter they had voted in favour of Sunday opening. There was a feeling abroad among the artisan classes that these galleries were intended only for those of the upper and middle ranks of life, and the only possible way of getting the artisan classes to take an interest in them was to throw them open on the day when they had leisure to view them. Yet when the proposal was made to open them on Sundays it was too often said 'This thing cannot be permitted.' He was glad, however, to find that a better and more liberal spirit was prevailing. The excellent library and reading room of the Cheltenham new club was opened on Sundays, and he hoped to see the proposals of the Papers taken up and carried out.

Mr. James Heywood, F.R.S. (London), said it seemed to him that a beginning had already been made in this matter by what had been done through the Christian Knowledge Society, who had issued a large number of coloured prints, illustrative of scenes in Palestine, and of incidents in Bible history. Again, the cartoons of Raphael might be seen at the South Kensington Museum, whereas in former times visitors had to go to Hampton Court to see them. He considered these prints and cartoons of great importance as a means of giving new ideas to the people. He agreed with Mr. Horsfall that galleries of the kind alluded to ought to be open on Sundays, under certain regulations. In places where this plan had been tried he believed the experiment had proved successful, and that the people appreciated what they saw. His own idea was that they should civilise the people, by placing before them something which interested them, and so attract them to give their attention to superior objects. The Board Schools could be very much used for these purposes. The school buildings contained rooms which were very little used in an evening, and which would offer admirable facilities for the establishment of small free libraries and art-galleries. The

Digitized by Google

London School Board had in some instances been willing to give 10*l.* towards the establishment of a free library in a school-house under their control, which would be a commencement of a better system.

Mr. P. H. Rathbone (Liverpool) thought they were indebted for the extremely practical Papers both to Mr. Horsfall and Colonel Blair. With those Papers he was not at all disposed to disagree, but he would take leave to supplement what they had said by a word or two, showing how their views might be carried out. Mr. Horsfall had made the admirable suggestion that there should be a collection of common pottery which should be accompanied by an explanation showing why that which was good was so, and the reason for condemning that which was the reverse. They were in Liverpool about to carry out that idea. They were about to start a museum of common pottery. They were not going to introduce into it fine specimens of Sèvres ware, but common pieces which could be picked up anywhere. In Belgium some of the pottery of the coarsest description was, artistically speaking, as beautiful as Sèvres itself—articles which could be bought for a few pence in English money. If some of those who went abroad every year would thoroughly keep their eyes about them for the museums of their district, they would soon have a very large collection, which would be of great value in educating the eyes of those who had not hitherto been accustomed to look upon the beautiful in form. In art lectures again it was a great disadvantage to the lecturer to have to talk about an artist, and yet not to have some practical means of describing that artist's work. He thought the use of photographs taken on glass from the original pictures and exhibited by means of the oxy-hydrogen light would be a great assistance—in fact by this means he believed they would do more to give a real sound view of art than could be done in any other way, and it was the only means with which he was acquainted by which they could exhibit to a large audience. It was important that a representation of what the lecturer was talking about should be exhibited; a great many of the books on Italian art were simply descriptions of great works, which could be far better understood by seeing the pictures. This idea might be carried out in a comparatively inexpensive way. Photographs which helped to illustrate the great pictures might be taken and lent about from place to place, much in the same way that books were issued from a circulating library. We could even have a written lecture, which might be read in different towns where a person could not be found to give one.

Dr. Phené, F.S.A. (London), said some of the observations made were extremely useful, though descending rather to detail. What he proposed last year was that the wealthy residents in country localities should form in their own districts collections of pictures by loans from their private galleries, that they should occasionally contribute by gift so as to make the collections permanent, and that each should contain good copies of original works of great masters in both painting and sculpture. It was only by creating a love for these things among the masses of the people that we should be able to secure for the future the produce of money lavished upon art in the present day. Destruction was the work of but a moment, and history had shown how soon

Digitized by Google

beautiful works which would have lasted for all ages could be destroyed for ever. The introduction of the question of opening the galleries on Sundays was entirely unnecessary. The great extension of the leisure time of the working classes gave them time and opportunity which they had not hitherto possessed for studying objects of art.

The Rev. C. M. Moore (Cheltenham) said that Colonel Blair and Mr. Judge had thrown down so decided a challenge to the clergy that he could hardly remain silent. It seemed to him that as yet they had barely touched the question in regard to villages, whatever they might have done in regard to towns. He called Cheltenham a large town, and what Colonel Blair had said in reference to art advantages there could apply in only a very inferior degree to smaller towns and villages. Mr. Horsfall had spoken of the village school-room as a possible centre in which good examples of art might be brought before the people, and he had also instanced the good that might be done if landowners would build cottages on their property of good design, and furnish them with articles of better form; but he had omitted to mention the principal house in every parish, which might be furnished with the best and most beautiful examples of art, and that was the parish church. In these days when most of our old parish churches had been renovated, or restored, and when so many new and beautiful churches had been built throughout the land, it was reasonable to suppose that in course of time the hideous churches of the Georgian era, and the more recent abominations erected in some districts 30 or 40 years ago, would be all swept away, and beautiful churches, such as that which Mr. Gambier Parry had built at Highnam, or that of which he had the happiness of being the incumbent of then, in Cheltenham, would be seen rising in every quarter. They might live to see village churches almost everywhere erected as Mr. Gambier Parry had his own parish church of Highnam, where they had the most noticeable example in the country of what could be done in the way of architectural design and artistic mural decoration. He could not agree with what Mr. Horsfall had said with regard to Sunday schools. Were these ideas carried out it would entirely revolutionise the whole system on which they were now working. So anxious was Mr. Horsfall to bring good specimens of art before the people that it almost appeared as if he would postpone religious teaching to the teaching of art. Instead of using to the best possible advantage the present system, he was advocating the introduction of studies and subjects into the Sunday curriculum which might be more properly relegated to the week-day. Surely the performance of even the best examples of vocal and instrumental music, and the reading of Shakespeare, might be given at other times than on a Sunday morning or evening. Sunday schools might, he thought, be used much more than at present to carry forward the good work of accustoming the eyes of the people from the earliest age to good specimens of art. Sunday school teachers might make use with advantage of good pictorial illustrations to impress on the minds of children the lessons they wished them to learn. He instanced a system, of which he had himself made use some twenty years ago, called Memprias' system. The Life of our Lord, he remembered, was divided

Digitized by Google

into 100 lessons, and each lesson was illustrated by large and small outline engravings, for general and class use. The children certainly took the lessons in very readily in their way. He had been told that at St. John the Divine, Kennington, the vicar made his children's service in church on Sunday afternoons very attractive by drawing with a piece of chalk on a black board rough diagrams illustrating his meaning. Very much might be done in making the Sunday school more instructive by putting subjects before children in an attractive way, without resorting to what he could not but consider the questionable device of secularising their schools.

Mr. Philip Skipwith (Prestbury, Cheltenham) said pictures were by no means the only phase of art to be brought prominently before the people. We ought to seek the cultivation of art in its most practical form. There were two reasons why applied art was so little encouraged in this country, two forces retarding its progress: one was cost and the other fashion; and at the root of these lay ignorance of artistic principles. In any fashionable upholsterer's shop might be seen examples of furniture constructed on false principles, and decorated on no principle at all. It was quite amazing to notice what ignorance of artistic principles prevailed even among educated people, and so long as this was so little could be expected of our designers. We lived, indeed, under the iron rule of Mrs. Grundy, who designed for us without taking us at all into her counsels, and we were such good law-abiding citizens that we bowed even to her usurped authority, especially in matters of dress. Form and colour in dress should be made to contribute to the attractions of the wearer, instead of which ladies were apt, he feared, to be led by books of fashion which prescribed an uniform style of dress for everybody. Ladies might perhaps reply that at this moment fashion was running in the right direction, tending to display to advantage the lines of the human form, but what could be said for a fashion which compelled every lady to take part in sweeping the streets with her costly garments. The catenary curve of a pendant presented, no doubt, a certain element of beauty; but let every lady ask herself this question—Am I to be the subject or the object of this train? Is the train to be subservient to me or me to the train? Ladies were in fact subservient to their trains, and in accepting such subservience they did themselves, and the multitude who followed in their wake, grievous injustice.

The Rev. J. Robberds (Cheltenham) thought it only right that ministers of religion should show that they did not shrink from coming forward with a few words in reference to the special point in one of the Papers, as to using a portion of the Sunday for exhibiting works of art, and encouraging a taste for refinement among the inhabitants of small towns and villages. It must in fairness be admitted that those whose profession it was to conduct religious services on the Sunday were perhaps too apt to feel that that day should only be devoted to purposes which accorded with that work, and that nothing which was not in harmony with a strict religious use of the day should be encouraged. He could not help thinking that they sometimes allowed their prejudices to carry them too far, and he would frankly say that he thought the

Digitized by Google

English observance of the Sunday was rather Jewish than Christian. The example of the Saviour himself was of a more cheerful character: He walked in the fields with his disciples on the Sabbath day, and said that the Sabbath was made for man, not man for the Sabbath; and that it was right to do a good work on that day. Therefore the exhibition of works of art of a refining, a beautiful, and an elevating kind, which would attract people from very much worse places on a portion of the Sunday, was a work which ought not to be discouraged. In the large town populations there was a great proportion who did not occupy any part of their Sunday in religious worship. He quite concurred with what had been said as to decorating the church and the Sunday-school with artistic beauty. Our worship could be made more cheerful and beautiful, and yet remain deeply religious in the real sense of the word. But he could see no harm in providing for those who did not as yet take part in religious exercises, rooms in which they might be attracted to admire works of art. It might be that by seeing these they would be so elevated and refined by their influence that they would be induced to take a more direct part in cultivating those faculties which would bring their souls nearer to God.

Major Allen (Cheltenham) urged the introduction of short popular lectures on artistic subjects into villages as a means of bringing to the inhabitants a better knowledge of art and its principles.

The President (Mr. Gambier Parry) said the one thing he regretted about all the discussion was that they had not had a regular good quarrel. It had been characterised by a remarkable unanimity, and they had even had from the clergymen present a recommendation to open art galleries upon the Sunday. Mr. Horsfall somewhat took his breath away by the remark that the whole region of beauty was not the domain of art. He would strongly contest that assertion. Artists always succeeded better in painting that which was not prescribed for them. The first inspiration of a subject came like a flash of lightning, and the artist felt as if he had some great hand at his back pushing him forward; he could not master himself; it was like a poetic inspiration; like a fire which burned within, and his work was that which came out of it. Opportunity should be given in local exhibitions to bring prominently forward the subject of photography. He most cordially agreed with all that had been said as to the great difficulty in getting great works of art before the public. An exhibition of the kind which had been suggested, would afford a means of bringing out the real artistic qualities of the photographer. If there was one thing he regretted more than another in reference to photographers as a body, it was their too common ignorance of the principles of art. He heartily welcomed Colonel Blair's idea as to the picture galleries. He wished that people would attend to Mr. Skipwith's admirable advice, for the fashions of modern dress were something too detestable. In the time of Sir Joshua Reynolds it was the head which was exaggerated, but very picturesquely; in the time of William IV. it was the skirt; but now we saw ladies pinched exactly where they wanted the freedom of the limbs, about the knees, which was an intolerable fashion. There was one canon of dress which ought never to be lost sight of, and that was that

Digitized by Google

it should adorn the action no less than the form of the human body. The beauty of man's body lay in its exhibition of strength, but a lady's beauty was essentially grace of form; and the one great thing required of a lady's dress was that she should be left perfectly free in her movements. Anything that incumbered them was bad fashion.

Mr. T. C. Horsfall (Manchester) in reply said he could but take up the President's challenge. He certainly said, and he still thought, that in no one country was the whole region of the beautiful the true province of the art of that country. The art in England in many of its branches was in a high stage of development, and yet it had very little to do with the life of the people, and no art could be really flourishing which was not cared for by all classes of the people among whom it was practised. What had the people on whom our future depended—the people of London, of Birmingham, of Manchester, or of Liverpool—to do with art? It really had no relation with them, and it was a proof that art was not in a healthy state in this country. The *raison d'être* of art appeared to be to teach lessons. It was impossible to go through any collection of modern pictures without seeing that, though there was a great deal of deep feeling and knowledge displayed, it had little or nothing to do with the life of the people. Many of the subjects treated did not really belong to the true province of English art. The President was wrong when he said that no restriction could be laid upon the artist. It was true that the artist must be left to himself to a certain extent, but we could point out to him the task which would most influence the life of the people. If we could show him that he would succeed better in one path than another, we might depend upon it he would work with greater zeal, for to influence the thought and feeling of the people would be a greater reward than it would be simply to receive the admiration of a coterie. History told us that the greatest art-work which had ever been done was done in obedience to the popular demand. It was when Florence wished to have its campanile that Giotto designed it; it was the same impulse which led Brunnelleschi to design the dome of its cathedral; and it was in obedience to the demand of the people that Raphael painted the divine Mother and Child. So again in Greek art, all that we most admired had been wrought in obedience to the demand of men who asked for the most worthy presentment of the gods of Greece; and we only needed something of the same kind to make art understood by every class of Englishmen. There were artists who wandered about the country in search of ideas, landscape-painters who sought inspiration in the region of the unknown, and the natural will and desire would be the best means by which the stimulus they needed could reach them. In reference to the Sunday question, Dr. Phené had said that the increased leisure at the disposal of the working classes would enable them to see all the works of art which were exhibited without encroaching on the Sunday. He thought that a very profound mistake was underlying that argument. It was well known how easily a man acquired bad habits, how when a man acquired a habit of drinking it took possession of all his time, and displaced all his other habits. This was unfortunately the case with the working classes, in towns of

Digitized by Google

which it was said not five per cent. attended any place of worship on the Sunday. These men had nowhere to go to on Sundays but the public-house. A man who for years had given all his Sunday leisure to drinking was the most likely to go on a Sunday afternoon to see pictures. If we could not lead all men to church on a Sunday—it was no reason why we should not endeavour to allure them to other places, which would amuse as well as educate them, and which would as well lead them to form good habits as certainly as the public-house taught them to form bad habits.

Colonel G. F. Blair (Cheltenham) said he fully endorsed the view of those who held that the galleries should be open on Sunday afternoons. Our present Sundays were a disgrace to the nation, and, while he proposed that a small payment should be charged for admission to the galleries on the week day, on the Sunday he would have them entirely free.

On the desirability of obtaining a National Theatre not wholly controlled by the predominant taste of the public. By George Godwin, F.R.S., Editor of the 'Builder.'

SOME seven years ago, the writer, when presiding at a public meeting whereat the lamented Dr. Doran had delivered an eloquent address, 'For and Against Shakespeare,' urged the want of a theatre not wholly controlled by the temporary predominant taste of the public, and commented on the unsatisfactory condition of things with regard to the education of actors. The establishment was called for of a theatre, subsidised by Government or by a public subscription, wherein plays of the highest character should be performed, and which should serve as a school for actors. These words evidently gave expression to the thoughts of many. The Nestor of English dramatists, Mr. J. R. Planché, Somerset Herald of Arms, taking them for a text, published a letter wherein he, too, called for 'the *assured* existence of a theatre in which the masterpieces of our unrivalled dramatic authors should be constantly and worthily represented—where

"Thoughts that breathe, and words that burn"

should be uttered by actors who can feel and express them to an audience "fit," however "few," without the fear that their salaries will not be forthcoming on the following Saturday, and that the manager, disheartened by the appearance of empty benches, will change the bill, discharge a company he has *jobbed* at a week's notice, and endeavour to outrival his competitors by pandering to the predominant taste of the public,' and he said, with reason, 'Is it not a just cause of complaint

Digitized by Google

—is it not, in fact, a national disgrace that there should not be one playhouse in this vast metropolis where those who can still enjoy the most sublime poetry, the most brilliant wit, and "the pure well of *English*, undefiled," may resort for an evening's rational and intellectual amusement afforded by a creditable representation of the masterpieces of our unrivalled British dramatists?' Persons of high rank, and men of large fortune, can be found to support establishments the performances and performers at which it is not for me to criticise; but not one English nobleman, not one English merchant prince, steps forward to lend a hand to raise the drama from the dust and oblivion into which it has gradually fallen, until it is actually unknown to the rising generation, who become naturally inoculated with the predominant taste of the public.

Mr. Tom Taylor followed with a series of letters backing up the call; first showing the changes that had taken place as to the stage in recent times. 'The country theatres a few years ago,' said he, 'flourished as feeders of the London ones; and a York, Bath, or Norwich reputation, well assured, was the certain passport to a London position, reached often by way of Edinburgh or Dublin, but always the goal of a steadily followed and successful career. Once established at Drury Lane, Covent Garden, or the Haymarket, the actor was a personage, after his degree.' 'The actor and his work had, besides, their place in the world of art. Productions of new pieces were events in that world. Great critics were not above sitting in judgment on plays and players. Great painters were proud to paint, great statesmen to know them. The House of Commons paused once in debate to pay a formal compliment, by the eloquent lips of Burke, to Garrick, accidentally present in the Speaker's Gallery. We have only to read the critiques of the German Lichtenburg (written about 1775) on Garrick, Weston, Smith, and other actors of that time, to feel how immeasurably more intellectual an art acting then was, and in how incalculably more respectful and thoughtful a spirit it was viewed and judged then, than seems even conceivable nowadays.'

Another writer said,—What we want is a house in which plays of the highest class shall from time to time be presented, with the certainty that while public taste is being educated, the actor and the manager are not being ruined. 'Such can only be obtained on the condition that there shall be a sum of money annually devoted to the support of the theatre whilst the experiment is attempted. Government undoubtedly ought to do this. Political economists of the modern English stamp

Digitized by Google

would of course cry out 'waste' were such a scheme broached. But real thinkers know that the ameliorative influence of education in art gives good interest for money invested in its furtherance. Education is at once the safest and pleasantest way of reducing expenditure. No less sure, however, than we are that any Government which gave, under wise supervision, a moderate allowance to a theatre would act wisely, are we that no Government will attempt it. Will not, then, the art-patrons of England join together to supply us with the fund we want? Subscriptions, endowments, means of all kind should be tried. How many noble fortunes are spent in maintaining a theatre under every dishonouring and degrading influence and association? Is there no man who will do for the sake of the loveliest of all mistresses, art, what men do for frowsy harridans, or vulgar, insolent, and ignorant women, with whom all contact is degradation? How shall the start be made? Who will be first in furtherance of a scheme of the kind?'

Amongst other supporters came Lord Dufferin, who, at a dinner in aid of the General Theatrical Fund, said that next in importance to the education of the people was the amusement of the people; and it had occurred to him that if a national theatre could be established on a satisfactory footing, we might, by providing rational amusement and recreation, find an engine with which to encounter some of the many vicious attractions which abounded in large cities. State subventions for the encouragement of the drama existed in most other European countries, and perhaps the time might come when it would be the case in England.

Mr. E. L. Blanchard, Mr. Horne (the poet), Mr. Arthur Sketchley, Mr. Joseph Knight, and others who had good right to speak, supported the proposition, and a committee was formed which included some well-known men of letters and eminent actors. Several meetings were held; three or four distinct schemes were submitted to writing, but after an adjournment at the close of the season the committee was never called together again.

The movement had its effect, admittedly, on the bills of some of the theatres; the manager of the very Home of Burlesque ('The Strand'), for example, quoting a portion of one of the letters written, proceeded to revive some of our standard comedies. The spasm, however, soon came to an end.

Recently the vexed question of the present state and future prospects of the English stage has been examined and commented upon in various important quarters, with so much good

Digitized by Google

sense and impartiality by writers evidently interested in the welfare of the stage, as one of the most valuable institutions for the advancement of education, and the encouragement of all the higher aspirations of the human mind, social, political, or simply literary, that if it were certain that what has been written would be everywhere read, the matter might be left where it is. It is necessary, however, to say the same thing again and again if we would have it known and acted on; and this must be my excuse for now bringing the subject forward. One of the most painful facts is the predominance of what Mr. Dion Boucicault has felicitously described as 'commercial management.' Any person, however incompetent to hold such a position, provided he has money of his own or of some one else's to risk in the speculation, may obtain the licence of the Lord Chamberlain to open and conduct a theatre, and consequently inflict upon the town any performance which he (the manager) considers most likely to bring money, no matter how destitute of literary merit,—how demoralising its tendency,—if it can only slip through the not too rigid scrutiny of the Examiner of Plays. Detrimental as this state of affairs must inevitably be to the drama, still we must, in justice, admit the blame does not attach itself to the manager or to those who furnish the funds. It is a speculation perfectly legitimate as a matter of business, in which the only object of the persons concerned in it is to make money. If the *showman*, for such is an equally true designation of 'the commercial manager,' can increase his nightly receipts by ministering to the prevailing taste of the public, he will naturally do so; and the lower such taste may be, 'the better,' it has been truly observed, 'is it for him, inasmuch as it can be more readily and cheaply gratified.' He has also an additional incentive to such a course in the fact that his own standard of taste is as low as that of his audience, and that he honestly considers that the pabulum he provides for them is of the most delectable description. A booth at a fair or a 'penny gaff' has the same *raison d'être*. Lamentable as this may be, there is a far greater evil of modern growth which has deteriorated and, at the same time, disgraced the stage of this country to a fearful extent, and which, to our shame be it spoken, does not and would not be allowed to exist on any other in the civilised world. It is a delicate subject to handle; but it is of too serious a nature to be ignored by those who would heartily aid in elevating the drama and supporting its professors, and I am, therefore, reluctantly compelled to speak out plainly on the subject. Much as we may regret that any theatre should be subject to the control of a person incom-

Digitized by Google

petent to appreciate the higher objects of the drama, and who only regards what should be a temple of the arts as a shop for the sale of any manufactures which may secure him the best return for the capital invested, with what feelings are we to contemplate a theatre avowedly directed, or notoriously known to be influenced by, an illiterate and disreputable *favorita*, possessing, beyond the charms of her person (which it is her pleasure lavishly to display to an admiring public), not the least qualification for her profession; not the remotest comprehension of the character, if perchance the part she has assumed has any character in it, or of the language, should it be innocent of coarse allusions, or contain a point more refined than the slang of the music halls?

What class of drama worthy of the name can be expected to flourish under such circumstances? What a weapon is placed thereby in the hands of the enemies of the stage and the calumniators of actors and actresses. We are no purists. We consider that the green curtain that drops between the performers and the audience silently intimates that public criticism is limited to the scenes and actions it had been raised to exhibit, and has no right jurisdiction beyond the space they occupy. The playgoer who pays his money, but exercises his acknowledged privilege to hiss the heroine of the piece if in his opinion she acts badly or offends decorum, has no right to inquire whether she can produce her 'marriage lines' without the walls of the theatre, or busy himself about her private life and associations. When, however, there is no talent to justify the so-called actress's intrusion on the stage, and the motive of her appearance is patent to the most careless spectator, it is an insult to the public which, if not resented by the audience, should be sternly reprobated by the Press,—not good-naturedly glossed over, as we almost invariably find it. Such an exhibition would not be tolerated for a moment in any foreign theatre. Indifferent as a French *parterre* may be to the immorality of a *libretto*, complacently as it may contemplate the human (female) form divine, liberally developed by the fair performers in it, incapacity is an offence utterly unpardonable, and immediately visited with indignant sibillation. That such exhibitions have been too frequently witnessed in a London theatre is a fact as notorious as it is disgraceful. Happily, at the present moment London is relieved from such an exhibition; and the introduction of farcical and fantastical opera on our stage has also gradually ejected from it the silly and vulgar burlesques which recently infested nearly every theatrical establishment, and in which, as there was nothing to act, any young lady could

Digitized by Google

gabble through her part, call attention to her bracelets, and be rewarded by a shower of bouquets at the fall of the curtain.

The *libretti* of Halévy and Meilhac and their *confrères*, or our own Gilbert and Albery, and the music of Offenbach, Lecocque, Hervé, Planquette, Sullivan, Clay, or Cellier, require artists for their interpretation and execution, and the demand creating the supply, we are daily gratified by the *début* of intelligent and educated aspirants to histrionic and vocal honours, who can speak English, and sing with taste and in tune. But another injury was done to the drama by the toleration by the press and the public of the above inanities. Actors of rare ability have been induced to prostitute their talents in attempts, frequently but too successful, to work up the sorry material into something that might give it popularity. It was distressing to see such thorough artists as Mr. Lionel Brough and Mr. Terry humiliated to the rank of clowns in a circus, or the merry-andrews that grin through a horse-collar; heartbreaking to think that Miss Ellen Farren, whose genius would enable her to rival Mrs. Abingdon or Mrs. Jordan, should be condemned to exhaust her animal spirits in galvanising the dry bones of a dreary burlesque. The darkest hour is said to be the nearest to dawn. There is hope that the darkest night of the drama has passed, and that a new day is awaking.

It is nonsense to talk of the decline of the drama. It has not declined,—it has simply been thrust aside by stupidity and cupidity. The English drama is, like its greatest master, 'Not for an age, but for all time.' The threadbare, worn quotation,—

> 'The drama's laws the drama's patrons give,
> And those who live to please must please to live,'—

has been misinterpreted by theatrical showmen for their own purposes, and is still made the excuse for every desecration of the stage by many who know or ought to know better. Who are the drama's patrons? That large portion of the pleasure-seeking public who will go anywhere to see anything?—to whom a theatre is a theatre, and the one they prefer that in which they find themselves 'pleased, they know not why, and care not wherefore'? Or are they the fast young men of rank and fashion, and their empty-headed imitators in the middle classes, who vote everything dull that is not meretricious, who occupy the stalls of any establishment where common sense is least respected, and decency most disregarded? Or are they the more fastidious of 'the Upper Ten,' whose refined tastes lead them to frequent those theatres only wherein modern comedies, original or translated, faithfully reflecting the manners of the

Digitized by Google

present day, are irreproachably acted and put upon the stage, with that attention to the minutest details of furniture and ornamentation which was formerly conspicuous by its absence? '*Chacun prend son plaisir où il le trouve,*' and far be it from us to object to it; but I must again ask, are any of these the patrons of the drama?—of that drama which is the pride and glory of England?—the grandest drama in the world? Did it never occur to a manager that besides the masses we have enumerated, and whose special predilections are abundantly provided for, there are thousands, to speak moderately, who never willingly enter the doors of a theatre, and would eagerly patronise one in which they could enjoy the rare delight of witnessing the masterpieces of our great English dramatists adequately interpreted? It will be answered, 'Yes, it has occurred, and the experiment has been tried and failed.' Shakspeare has been declared by an experienced London manager to spell 'ruin,' and Byron 'bankruptcy.' He invariably, however, flies to the 'divine William' for assistance when his other resources fail him.

It is really pitiable to listen to such assertions, knowing, as we all do, the data on which they are founded, and painful to reflect that there are several clever public writers, themselves successful dramatists, who profess to hold such opinions, and that, too, in the face of facts of recent occurrence, which they cannot be ignorant of—nay, which it may have been the duty of some of them to record as theatrical reporters. Can any instance be adduced by them of the revival of a great play, efficiently acted and artistically placed upon the stage, which has not been a financial success? Was 'Hamlet' played at the Lyceum for upwards of one hundred successive nights to bare benches? Was 'The School for Scandal' acted at the Vaudeville for four hundred nights to a 'miserable account of empty boxes?' It is futile to contend that such successes were accidental, and their continuance could not be calculated upon—that other revivals had been unproductive, &c. No sane person would venture to predict an uninterrupted course of success as the result of any management, and the only question is whether less money has been lost by the production of poor new plays than by the revival of sterling old ones.

Injudicious selection, unintellectual stage-direction, incompetent exponents, must in these critical days entail failure, and deservedly so. It is sufficient for our argument that, as much loss, if not more, attends the failure of worthless modern productions, which have depended solely on spectacular effects

Digitized by Google

for their attraction. Our antagonists, and there are amongst them authors of undoubted ability and considerable experience, have repeatedly expressed their firm conviction that the mission of the stage is to 'hold the mirror up to nature' as nature appears to us in the present day: to

> 'Shoot folly as it flies,
> And catch the manners *living as they rise.*'

I do not deny that for a moment, and rejoice in the success that has attended many pieces which have been written on this principle. At the same time, the attention of its supporters should be called to the issue of its labours. Have they permanently enriched the English drama? How many standard plays have they added during the last fifty years to the grand catalogue of imperishable works bequeathed to us by the sublime poets and brilliant wits of the seventeenth and eighteenth centuries, and which, despite of fashion, prejudice, ignorance, and other disadvantages, are, and will continue to be, the staple of our stage as long as there is a stage? At the present moment I can recall but two, 'London Assurance' and 'Money,' neither of them to be compared to the comedies already alluded to, but each possessing sufficient merit to ensure their vitality. But even the least laboured and most original of the two—'London Assurance,' which so strictly and successfully fulfilled the conditions of exhibiting a faithful and vivid picture of the manners of the day, was subjected last year to revision by the author previously to its revival at the Prince of Wales's. Since its production, wrenching off door-knockers and bell-handles has ceased to be the special amusement of young men about town, and rail and steam have superseded the then existing modes of travelling. The suppression of allusions to obsolete frolics, and the alteration of dialogue referring to locomotion, were considered necessary to render the comedy more acceptable by a modern fashionable audience. This was a great mistake. It eliminated one of the most interesting features of the play; destroyed the life-like picture of society at a particular period, which had been drawn with so much skill; while it was a proof of the consequences of the gifted author's own theory, which would necessitate the consequent re-writing and tinkering of a good play, every twenty or thirty years, to prevent it being consigned to the tomb of all the Capulets.

Hitherto only five-act comedies have been spoken of. Let us turn to the lighter class in three acts, which had their rise at 'the little theatre' in the Haymarket, two of the best known

Digitized by Google

of which are 'Sweethearts and Wives,' by Kenney, and 'Paul Pry,' by Poole. To this class many pleasant contributions have been made by Mr. Planché, Mr. Henry Byron, Mr. Albery, Mr. Tom Taylor, Mr. Gilbert, Mr. Frank Marshall, Mr. Burnard, and notably by the late Mr. Robertson, whose charming sketches of modern society have made the fortune of the well-managed little theatre wherein they were so perfectly mounted and so admirably acted. With curious inconsistency, these fresh life-like productions have been sneered at by modern critics as the 'teacup-and-saucer' school. What, in the name of patience, would they have? Here are the manners of the day, and the men and women of it, as truly represented as in a photograph; but how about the vitality of the works? How long will the best of them survive their lamented author? How many of the most popular pieces of this calibre, written in strict compliance with the rule propounded, will be in existence fifty years hence, or in any case ever take rank as part of our national drama? If we are to understand that sufficient for the day is the drama thereof, it is obvious that the drama of the day will be only the drama for the day, and that if the rising generation of playgoers can be infected with this opinion, we may bid a long adieu to 'Hamlet' and 'As You Like it,' to 'Julius Cæsar' and a 'Midsummer Night's Dream'; even 'The School for Scandal,' and 'The Rivals,' those sheet-anchors of 'the commercial manager,' who, notwithstanding his contempt for them, flies to them in despair when rapidly drifting into Basinghall Street, will be consigned to oblivion as obsolete and unpardonable, as are the cocked hats and hoops of the time they were written in. Indeed, if my memory serves, there have been recently suggestions to that effect, and the dialogue of Sheridan has been denounced as indelicate by censors who saw nothing objectionable in the highly-coloured situations of Sardou. 'The manners of the day?' Why all the greatest comedies that were ever written, from Aristotle down to George Colman the younger, reflect the manners of the day and country in which they were composed, and are consequently invaluable for educational purposes; and it may be asked, why, then, should not those of our present dramatists be destined to an equal celebrity and term of existence? The answer might not be considered complimentary, for it would suggest comparisons, and, to quote a still-existing comedy of some little reputation, 'comparisons are odorous.' I will content myself by asking where are all the comedies of Morton, Reynolds, and their contemporaries? Our present dramatists can scarcely be

Digitized by Google

offended by being classed with the authors of 'A Cure for the Heartache,' 'Speed the Plough,' 'Laugh when you Can,' 'The Dramatist,' and a score of other favourite pieces, which drew money in the time when 'George the Fourth was king.' They reflect the manners of their day, but with the exception of one or two which, cut down to the dimensions of a farce, have been ineffectually resuscitated under stress of weather, the stage knows them no more. I only call attention to the fact, and leave the critics to account for it. They would be compelled in fairness to admit that there are elements of vitality in the old comedies without which 'the manners of their day' would not have made them still popular in ours.

It is foreign to my object to enter into a discussion respecting the sensational drama, which has, to a certain extent, supplanted the old melodrama of the English stage. It comprises many works of considerable power, well written, unobjectionable in subject, and affording excellent opportunities for scenic effect and good acting.

There is no desire to interfere with legitimate speculation, or to deprive any portion of the public of the entertainment most acceptable to them. On the contrary, our taste is so catholic that we can thoroughly enjoy any theatrical entertainment that is good of its kind, and rejoice that so much good of every kind is constantly being represented. Our quarrel is with those who would prevent a large body of educated persons from enjoying an especial description of theatrical entertainment, which is undoubtedly of a higher order and requires artistes of the greatest ability to interpret. We ask but for one theatre which, either by private subscription or Government subsidy, may be devoted to this object, and rendered independent of the caprices of fashion or the prevailing taste of the public. It must be a theatre in which the educated public can enjoy regularly, and not spasmodically, the best plays, acted with intelligence, and placed on the stage reverentially and artistically. This, the present system will not give. 'Look at the results of the system as it is,' says the writer of an excellent article in a new journal devoted to the stage [1]; 'Does private enterprise find itself equal to the task of presenting the noblest English dramas by thoroughly adequate companies all the year round? Can a manager, who necessarily has a keen eye for profit, be expected to avoid the long-run system, the "star" system, and the system of discouraging all young playwrights and young players until their names are made? Can

[1] The *Theatre*, No. 1, new series.

Digitized by Google

private enterprise found a school for acting, except in the limited sense in which a theatre, by cramping all its company to one style of piece, gives to its performances a characteristic manner of its own? The mere pecuniary difficulty in the way of securing such a company and such a *répertoire* as those of the Théâtre Français places the undertaking wholly beyond the reach of individual effort; nor, indeed, could it be overcome by any aid which was unable to compensate for comparative smallness of salary, by offering *prestige*, permanent employment, leisure for study and pleasure, and the prospect of a pension in years to come. Now these advantages which are at the very root of the success of the Parisian theatre, cannot, as it seems to us, be secured except by means of a subsidy paid in some way or other by the nation for that which we hold to be an incalculable national gain. If it be an advantage to possess, at least, one theatre which may be conducted without any necessity to look for hand-to-mouth profit, which may, to some extent, practise art for art's sake, and which may guide rather than follow public taste, then is that advantage one for which we should be prepared to pay.'

My own conviction is strongly in favour of a State subvention—a subsidised theatre where the glories of our past writers might be enjoyed, and new poetical and thoughtful works fittingly brought forward. The chances for obtaining this have lately greatly increased, and opinions in its favour have been expressed in influential quarters. Mr. Gladstone, in the course of a letter to the editor of a theatrical paper already quoted, said, in reference to some articles which appeared in it a few months ago,—'I have already thought that there are strong arguments—among them some which may be drawn from the existence of institutions like the Royal Academy—to show that the drama requires, in order to its prosperity, some great centre of attraction and of elevation.' This must be regarded as a most important expression. From abroad, too, comes the report of a conversation between the King of Italy and Signor Rossi, in the course of which the king spoke of the low ebb to which the histrionic art had fallen in that country. 'What we want,' he said, 'is a theatre like the Comédie Française. Your art is a powerful instrument of civilisation. That civilisation must emanate from Rome. My father loved and esteemed you, Signor Rossi, as well he might. You are an honourable remnant of most distinguished troupes. Halcyon days those in which they flourished! The art was then well represented, and I promise you those days shall return before long.'

Digitized by Google

To obtain this subsidised theatre, however, in England, may be a work of time, and would probably require, as a first step, a properly organised and regulated company; whereas it is most desirable that such a theatre as we are looking for should be established at once. The question then is, how can the experiment best be tried? And I fall back on the plan which I have ventured before now to suggest for consideration —that plan which gave us the Great Exhibition of 1851 and some of its successors—a *list of guarantors*; a hundred persons, say, subscribing each a certain small sum for the first expenses, and giving their names for a larger sum in case of necessity; a small committee of the guarantors to supervise; and a proper and responsible manager. An existing theatre to be taken (pending the time when a model house should be provided), large pit, and moderate prices; no long runs; no short hirings of actors; a dramatic school attached; the advancement of the drama, and the healthful amusement and delight of the public to be considered the paramount object of the undertaking. Such a scheme, properly brought forward, would, I am strongly disposed to believe, soon find the requisite number of supporters.

A few words now from others.

Being able to quote the opinion of statesmen and dramatists, I thought it desirable to obtain also the opinion of some eminent actors. Among others, I applied to Mr. Hermann Vezin, who justly enjoys a high reputation as an intellectual artist, and to Mr. Henry Irving, and append their replies:—

Mr. Vezin says,—'Dear Mr. Godwin,—You ask me my opinion as to the advisability and possibility of establishing in London a theatre analogous to the Comédie Française in Paris, the Royal theatres in Berlin, Vienna, and other capitals of Europe.

'I answer that it has always been my most ardent desire; that I believe, without such a theatre, the English drama will never stand upon the eminence it could and should attain, and that it is possible to establish such a theatre either by Government subvention, or by the aid of subscriptions of the wealthy, or, on what I think the best plan of any, by a guild of actors themselves, without any exterior aid.

'English theatres being private speculations, their managers, even when gentlemen of high culture and artistic aspirations, *must* find their judgment unsteadied by the great pecuniary risks they run. If actors, they are tempted to sacrifice their theatres to their personal ambition; if merely tradesmen, to an unwise parsimony.

Digitized by Google

'There are two theatres in London whose managers spare no expense, and make their interest as actors subservient to the interest of their theatres. But the example set by the Bancrofts and Mr. Hare does not seem likely to obtain many followers, nor should the welfare of the art depend upon the doubtful chance of a constant supply of such managers.

'It has frequently been the case that a great actor, finding it impossible to attain his proper position under other managers, has found himself compelled to take a theatre, that he might have the opportunity of playing the parts for which he felt himself suited. Edmund Kean and George Frederick Cooke were about the only ones who attained greatness without the burden of management. Garrick, the Kembles, Macready, and Charles Kean were all managers; but they all would have infinitely preferred to remain simply actors, if their proper ambition and artistic tastes could have been gratified in some one else's theatre.

'The actor must deteriorate when burdened with the cares of management, and the manager cannot possibly attend to all his duties if he is an actor as well.

'I am frequently applied to by young ladies and gentlemen, who wish to make the stage their profession, as to how they should proceed. It is impossible, in the present state of things, to give them a satisfactory answer.

'I should like to say, "Go and enroll yourself on the books of the English Theatre. You will then be put through a course of training in elocution, singing, fencing, deportment, dancing, and so on. You will have to go on the stage as supernumeraries, be gradually entrusted with a few lines to speak, and meantime, at intervals, *matinées* shall be given, in which you and your fellow-pupils shall play pieces selected by the teachers for the purpose; so you will get your practice, and, if capable, be gradually advanced to play such parts in the regular performances as may not be beyond your powers."

'I could tell some disheartening tales of weary waiting for opportunities that may never come, both with actors and authors.

'But it must be confessed that, with all its disadvantages, the British drama is in a very healthy condition. All it wants is its opportunities. In brief, we want a theatre which shall be devoted to the cultivation and exercise of the dramatic art for its own sake; not to making money, not to promote the interest of any individual actor, not to the production of plays written down to the level of the lowest understanding.

Digitized by Google

'The greed for money seems to me to be at the bottom of most of the evils complained of, and yet I believe that such a theatre as we wish to see established would make more money than any of those managed on existing principles.

'HERMANN VEZIN.'

Mr. Irving writes thus:—

'My dear Mr. Godwin,—The question of the establishment of a National Theatre is surrounded by so many difficulties, and has so many side issues, that the time at present at my disposal does not allow me to go properly into it. Still the broad idea is one on which a few suggestions, which are the outcome of my thought and experience, may be of service to you.

'The two questions which must from the beginning be held in view are:—

'Is a National Theatre desirable?

'Is its establishment upon a permanent basis a possibility?

'With regard to its desirability I have little, if any, doubt. In this country artistic perfection or a high ideal is not always the road to worldly prosperity; and so long as open competition exists there will always be found persons whose aim is monetary success rather than the achievement of good work. Thus mere spectacle, and, at times, even ribaldry, are employed to swell the pockets of managers at the expense of public taste. In order that the stage may be of educational value, it is necessary that those who follow its art should have an ideal standard somewhat above the average of contemporary taste. This standard should be ever in advance, so that as the taste and education of the public progress the means for their further advancement should be ready. To effect this some security is necessary. In an age of competition men cannot afford to be idle. "Whilst the grass grows the steed starves," and to wait in patient inaction for the coming of better days is antagonistic to the spirit of artistic effort. In order that those who are capable of improving others, and who are willing for the purpose to sacrifice in a measure their personal wishes and desires, should not lose their power, some protection should be extended at such times as might he necessary. Of course, each individual may in his own time do much; but life is short, and when the individual withers, all, or nearly all, the influence of a life of labour, which might, under proper system, have become solidified into a permanent good, passes away. If then the purifying and ennobling influence of the art is to be exercised in such a manner as to have a lasting power, it is necessary that the individual be replaced by something in the shape of a

Digitized by Google

corporation, or by the working of some scheme by its nature fixed and permanent.

'It would, I think, be at present unadvisable to touch upon the subject of State subsidy with reference to the British stage. The institutions of this country are so absolutely free that it would be dangerous,—if not destructive,—to a certain form of liberty to meddle with them. *Quid pro quo* is a maxim which holds good of State aids, and a time might come when an unscupulous use might be made of the power of subsidy. Besides, in this country, the State would never grant monetary aid to individual enterprise under any guarantees whatsoever. As the State could not possibly of itself undertake establishment and management, the adoption of some corporate form would be necessary with reference to the stage before the question of subsidy could be raised with any possibility of success.

'A National Theatre implies an institution which, in its nature, is not either limited or fleeting. Such a scheme must be thorough, must rest upon a very secure basis, and must conform to the requirements of art, polity, and commerce. It must be something which, in the ordinary course of things, will, without losing any of its purpose or any of its individuality, follow with equal footsteps the changes of the age. In order to do this it must be large, elastic, and independent.

'Let us consider these conditions.

'Firstly, as to magnitude. As the National Theatre must compete with private enterprise, and be, with regard to its means of achieving prosperity, weighted with a scrupulosity which might not belong to its rivals, it should be so strong as to be able to merge in its steady average gain temporary losses, either the actual loss of outlay upon unproductive pieces, or the negative loss consequent upon political or commercial depression. Also its body should be sufficiently large to attempt and achieve success in every worthy branch of histrionic art. For this a great number of individuals would be necessary, so that a suitable selection might in every case be made.

'Secondly, the corporate body should be to a certain extent elastic. The production of talent in a country or an age is not always a fixed quantity; and whilst for the maintenance of a high standard of excellence no one manifestly under the mark of his fellows should be admitted, all those worthy of entrance should be absorbed. The evil consequent upon the accident of personal friendship, which so often works unfavourably amongst self-electing bodies, should be reduced to a minimum.

'Thirdly, the National Theatre should be independent.

Digitized by Google

Once established under proper guarantees, it should be allowed to work out its own ideas in its own way. Art can never suffer by the untrammeled and unshackled freedom of artists,—more especially when the idiosyncrasies of individuals, with the consequent possible extravagance, are controlled by the wisdom and calmness of confluent opinion. Such a body as the corporate members of a National Theatre would, to a certain extent, be a legislative assembly, dealing only with questions affecting the drama.

'Thus we arrive at the conclusion that if in this age a National Theatre is to be established, it must partake of the nature of a corporation, large, elastic, and independent. It must spring originally from personal enterprise, and must depend for existence upon the exertions of itself as a body, and of its component members as individuals, till such time at least when good work done in the past, and a uniformly wholesome influence upon the education and morals of the public, have given it a claim to recognition as an institution worthy of a place in the machinery of the State.

'Such a scheme once conceived, the next question is as to the possibility of carrying it into execution. In this country there is a great mass of talent scattered widely. It embraces every phase of thought and manner, and is composed of elements incongruous, and differing in value, in so far as the different individualities and their surroundings are concerned. To systematise and reduce to a harmonious whole this mass of heterogeneity would be a work of extraordinary difficulty. At the start the labour of organisation would be Herculean; and I cannot shut my eyes to the dangers or to the magnitude of the effort.

'But if the difficulties of systematisation would be vast, the advantages would be vast also. The merits of the concentration of purpose of men following kindred pursuits have been tested already, and the benefits both to individuals and the bodies are known. Our art alone has as yet no local habitation, no official recognition, no political significance. Should the scheme of a National Theatre be carried out, great results might follow,—much good to the great body of aspirants to histrionic fame. Provision might, at a small expense to each individual, be made for the widow and the orphan. Old age would be divested of the terrors of want. A restraining influence would be exercised on unscrupulousness. A systematic school of teaching would arise; and the stage would acquire that influence and position which, whatever they may be in the present, are to be in the future great.

'HENRY IRVING.'

Digitized by Google

I must now come to an end; add 'a tag,' and ring down the curtain, entreating, not your applause, but your aid in a good and important cause. What is asked for is the provision of one theatre not wholly controlled by the predominant taste of the public,—the assured establishment of one house in which the best works of our dramatic writers, living and dead, should be constantly and worthily presented.

The Mission of the Undraped Figure in Art.

By P. H. Rathbone.

WHEN coward Europe suffered the unclean Turk to soil the sacred shores of Greece by his polluting presence, civilisation and morality received a blow from which they have never entirely recovered, and the trail of the serpent has been over European Art, and European society, ever since. The Turk regarded, and regards, women as animals, without soul, toys to be played with or broken at pleasure, and to be hidden away, partly from shame, chiefly in order to stimulate exhausted passion. Such is the unholy origin of the objections to the nude as a fit subject for art. It is purely Asiatic, and though not introduced for the first time in the fifteenth century, is yet to be traced to the source of all impurity—the East. Unhappily there is no country in which Asiatic ideas have taken deeper root than in certain classes of the less educated portions of the English nation. They consider women as chattels, and treat them with more brutality than they do their dogs and horses. In many cases only Mr. Whistler could do full justice to the charms of English wives, by painting them as arrangements in black and blue. So completely is it recognised as a man's right to beat a woman, so long as she belongs to him, that it is extremely difficult to get a policeman to interfere to prevent her being almost beaten to death. Nor would it be possible to find in any European capital so revolting and disgraceful a scene as the top of the Haymarket every night. These facts explain why, in England, and I hope in England alone, it is necessary to undertake the thoroughly humiliating task of defending the nude human figure, male or female, as not only a fit subject for art, but as the noblest and most elevating of all subjects that art can treat. The author of Genesis tells us that 'God made man in his own image, in the image of God created he him, male and female created he them,' and that has been the feeling of all ages, and of almost, if not all, widely spread European religions, as evidenced by

Digitized by Google

their art. In Greek art only the Asiatic Diana was represented otherwise than as a simple human form, though Venus was the only absolutely undraped goddess. Now, to say that the crown and glory of creation is an improper subject for art is to accuse the Creator of obscenity, which is going a little far, even in these days of free thought and expression. In the earliest specimen of Christian art known, the paintings in the catacombs, Jonah is represented, under his gourd, perfectly nude. In Ravenna there are several representations of the Saviour nude; and Kügler, speaking of one of these, says, 'In the centre picture, the "Baptism of Christ," the character of the nude is still easy and unconstrained, the lower part of the Saviour's figure being seen through the water—a mode of treating this subject which continued late into the middle ages (*i.e.* till the advent of the Turks), probably on account of the artist's objection to give any incomplete representation of the Saviour's form.'

In those days true reverence was shown by the complete representation, not by the concealment, of the human form. As art declined, the power of representing the nude declined also, until it was revived in the Church of the Carmine, at Florence. This was followed up by Signorelli, whose noble studies of the nude, in the Cathedral of Orvieto, are amongst the highest glories of Italian art. Although Michael Angelo, so far as we know, never saw Signorelli, yet, doubtless, had the latter not lived, we should not have had the roof of the Sistine Chapel, and its glorious nude studies of Adam and Eve. Nearly fifty years later he completed the 'Last Judgment,' but, though the hand had lost somewhat of its cunning, the high-souled and true-hearted old artist was faithful to his mission—as an artist, and as a man. The Asiatic Sirocco had reached Rome. The Pope's Major-Domo complained that Michael Angelo had represented men and women before the judgment-seat in the nakedness in which they were born into the world, and in which, as Job pathetically said, 'they went to their tombs.' The answer of Michael Angelo may be seen in the right-hand lowest corner of the picture, where is the portrait of the objector, in the lowest depths of hell, with asses' ears and the serpent, type and symbol of sensual corruption, coiled around his unseemly carcase. Certainly, it is quite conceivable, he may have objected to this study of the nude.

Spain was brought into more direct connection with Eastern influence through the Moors, and we accordingly find that it was considered indecent to allow the foot of the Virgin to appear in pictures of the Virgin and Child. Murillo, how-

Digitized by Google

ever, did not always observe this rule. Now, although the source of the prejudice against the nude is a thoroughly unhealthy and impure one, yet it is still shared by many pure-minded and honest, if somewhat uneducated, people. Is it worth while to shock their prejudices, or ought we to respect them? There should be some distinct gain before we resolve to give pain to even the most unreasoning classes. In short, is the game worth the candle? I am prepared to maintain that it is, that it is necessary for the future of English art, and of English morality, that the right of the nude to a place in our galleries should be boldly asserted. But it must be the nude as represented by thoroughly trained artists, and by thoroughly trained artists only. No crude or incapable representation, in fact none but the highest the age can produce, ought to be allowed in any public gallery or exhibition. The very reasons which require that the public eye should become accustomed to fine representations of the nude, are those which are the strongest against allowing that it should be demoralised by inferior or unwholesome work. The human form, male and female, is the type and standard of all beauty of form and proportion, and it is necessary to be thoroughly familiar with it, in order safely to judge of all beauty which consists of form or proportion. To women it is most necessary that they should become thoroughly imbued with the knowledge of the ideal female form, in order that they should recognise at once, and without effort, the perfection of it, and, so far as possible, avoid deviations from that ideal. Had this been the case in times past, we should not, probably, have had to deplore the distortions effected by tight-lacing, which have destroyed the figure and ruined the health of so many of the last generation; nor should we have had the scandalous dresses alike of society and of the stage.

The extreme development of the low dresses, which obtained some years ago, when the stays crushed up the lower portions of the bust into suggestive and unseemly prominence, as was too frequently the case, would surely have been checked had the eye of the public been properly educated by familiarity with the exquisite beauty of line of a well-shaped bust. I might show how a thorough acquaintance with the ideal nude foot would probably have much modified the foot-torturing boots, and high heels, which wring the foot out of all beauty of line, and throw the body forward into an awkward and ungainly attitude. I know many ladies will maintain that the rest given to the heel is necessary to graceful walking, as enabling the wearer to walk on the ball of the foot, but the difficulty of doing that is caused by the whole of the toes being rendered nearly

Digitized by Google

useless by compression. But again, it is argued that the effect of nude representations of women upon young men is unwholesome. It would not be so if such works were admitted, without question, into our galleries, and became thoroughly familiar to them. On the contrary, it would do much to clear away from healthy-hearted lads one of their sorest trials—that prurient curiosity which is bred of prudish concealment. Where there is mystery there is the suggestion of evil; and to go to a theatre when you have only to look at the stalls to see one half of the female form, and to the stage to see the other half, undraped, is far more pregnant with evil imaginings than the least unobjectionable of totally undraped figures. All experience is practically unanimous in proving that a partially draped figure may be far more indelicate than a totally undraped one can possibly be, and it is a well-known fact that models for the nude are, in general, most particular in not allowing the artist to catch a glimpse of them, except completely dressed or completely nude. Much more might be said upon this part of the subject, and much that it would be difficult to say here, so much has it been surrounded by unhealthy Eastern ideas of concealment and suggestion, to the prejudice of that healthy Western instinct of openness that would hide away nothing but sin and the suggestions of sin. But, I think, enough has been said to show that, apart from the cause of art altogether, health and morality would both gain from a greater familiarity with the beautiful nude than that to which the nation is at present accustomed. The unfortunate example of the French Salon, however, is constantly urged as a warning, and, from what I have heard (though I did not see it myself), there were in it a great number of very questionable nude figures, and also a great number of very questionable pictures of women in modern dress. I can quite believe it; at the Great Exhibition, the French Fine Art department was remarkable for the number of revolting blood-thirsty subjects chosen by the painters, and a morbid taste for blood and suffering is the last resource of exhausted sensuality, so that, when in a nation or an art you find one, you are almost certain to find the other. But the fault of the pictures was not that they were nude, but that they were portraits of ugly immodest women, and to make a nude study of ugliness is immoral, and naturally raises the question, for what purpose could this have been designed, since it could not have been designed for the only good purpose possible, namely, the representation of beauty?

And this brings out the close connection there is between beauty and morality. It is at first sight a remarkable fact

Digitized by Google

that very few of the women who have exercised a widely spread evil fascination upon the world, have been beautiful. In fact, it may be carried further, and observed that very few women have exercised any special fascination by means of their beauty. Any feeling warmer than that of simple admiration involves the element of exclusive possession, or an appeal to the egotism of human nature, and the narrower the nature the greater the passion for exclusive possession. Hence the fondness of school girls for secrets, and the delight in mysteries which characterises the less educated and weaker natures.

Now, true beauty is universal, and cannot be the exclusive possession of any, and, therefore, does not touch individual natures so closely as certain deviations from strict beauty, which have a special fascination for peculiar individualities. In large families of girls it is noticeable that frequently the most regularly beautiful daughter is not the first married, or even the most popular. The cultivation of a true sense of beauty is, therefore, a great means of broadening a man's nature, and raising it into a purer and freer atmosphere. The only fixed standard of beauty is the human form, and this can only be thoroughly studied from the nude. Winckelman doubts whether Vitruvius is correct in arguing that the proportions of Greek architecture are based upon those of the human form; but I think that, whether this be absolutely the fact or no, one thing may be fairly argued, viz., that the Greeks could not have been the consummate architects they were, had it not been for the exquisite appreciation of line which can alone be cultivated to the perfection to which they carried it by a close study of the subtle curves of the human form.

Hogarth's line of beauty is repeated innumerable times in the human body. If I recollect right, the discovery is quite recent that scarcely any lines of the Parthenon are absolutely straight, but that most of them are slightly curved, so slightly as to have eluded, for ages, the observation of architects who had not had their eyes trained by constant familiarity with the human form. Yet so essential to the perfection of the building were these scarcely perceptible curves, that all modern reproductions of Greek architecture were felt to be wanting in something. Is it not remarkable the number of figure-painters who were also architects—Giotto, Michael Angelo, Raphael, Lionardo;—while I do not remember a single landscape-painter who was so. Again, the noblest landscape-painting of the great periods of art have been by figure-painters, *e.g.* Titian, Tintoretto, &c., not to weary you by a long list. If, however, we are to have great painters and

Digitized by Google

sculptors, we must have a public which can appreciate their work, and this can only be done by those familiar with the human form. So soon as this is accomplished, the idea of anything objectionable will entirely vanish. It is a very important consideration for us how we are to support our population when other nations cease to want our coal and iron, and can compete with us in cheapness of manufacture. We shall then have to depend upon the superior skill of our artisans, or sink into a third-rate nation. This can only be done by educating their perceptive faculties to the highest pitch, and enabling them to become highly-skilled artisans. What means of exercising their accuracy of perception and sense of pure beauty can equal the contemplation of the ideal of the human form? Nor would it be wanting in humanising influences. Men could not behave with the brutality of too many British workmen to their wives if a due sense of the beauty of the female form had been early inculcated into them.

This Paper has been suggested by an occurence at Liverpool, which shows how thin is still the varnish of our boasted civilisation. Mr. Tadema's beautiful picture of the 'Sculptor's Model,' which most of you will remember as having hung in the Academy for three months without adverse observation, is hung in the Autumn Exhibition of that town. The papers were flooded with letters by offended fathers, offended sisters, and offended grandmothers, though the latter did not sign themselves so. Some of these, not published, were couched in language which betrayed a foul-mindedness perfectly horrible, but which I will not further allude to, as I prefer to leave to the professed student of natural history the disagreeable task of classifying and describing this unpleasant species of the lower animals. But one, an offended father, appealed as to the mischief it was likely to do young men. Now, I am a father, and have sons growing up, high-spirited, healthy lads, with the temptations to which healthy high-spirited lads are liable, who are going forth to meet the dangers of the world not unwarned, and determined, as I know, to manfully, and I hope successfully, resist those temptations, and carry through life that reverent love of womanhood and untainted delight in womanly beauty, which is the bloom and flower of manhood, and the crowning reward of a pure and innocent life. I fearlessly assert that that picture is not one of those temptations, or the suggestion of one, and I should be ashamed if it were so. It is lamentable that it should ever be so, as I fear it may be to some men of perverted instincts, but, if so, the mischief is done, and we cannot for their sakes arrest the course of human pro-

Digitized by Google

gress and that of the nation. Rather let the culture and chivalry of the land stand shoulder to shoulder, and raising once more the old cry of 'St. George for Merrie England,' go forth to do fierce battle in defence of womanly beauty and womanly purity, against the fell Eastern dragon of prudish pruriency.

On the Desirableness and Possibility of Attaching a Rural Scholastic Museum to every Village Board School. By TITO PAGLIARDINI.

NOW that Great Britain has happily decreed that every child, boy or girl, shall be educated, we must not rest satisfied with the *quantity* of the education given, but must look to the *quality*. It is incumbent on society to see that the sacrifices required of ratepayers in money, and of poor parents in the services of their children, should receive their equivalent in the advantages accruing to the rising generation.

Whether, by the introduction of phonetic spelling and the metric system, we might not considerably diminish the amount of time, brain-power, and temper, now expended in acquiring more or less imperfectly the three keys to knowledge, reading, writing, and arithmetic, is not here the question. But we ought not to lose sight of the fact that these three essentials are themselves only the keys to knowledge, not the treasure itself. They are the means to an end; but unless that end be pursued and attained, they are all but worthless.

What is needed for children even of the tenderest age and lowliest condition is a knowledge of the world they live in, and in which they will have various duties to perform to themselves, to their families, to their fellow-creatures, and therefore to their God. Books, if carefully illustrated—no difficult matter in these days, when mechanical contrivances come to the help of imitative art—are no doubt most valuable in imparting a certain amount of knowledge and awakening a desire to know more. But the minds of children are far more easily and deeply impressed by concrete forms than by abstract ideas, and in education, following this bend of nature, the concrete should precede and prepare the way for the abstract, contrary to the usual practice of schools. The thing itself, or its exact representation, should accompany its oral or written description and explanation. The book would then be far more eagerly sought, better understood, and more thoroughly enjoyed than at present.

Digitized by Google

But if this desirable object might possibly be attained in the schools of large cities, such as London, Birmingham, Manchester, where the pupils might be taken to the museums and galleries which abound in them, how is it to be attained in the Board schools of small provincial towns, villages and hamlets?

Simply by establishing in every Board school a miniature museum containing classified specimens of all the local products, whether mineral, vegetable, animal or industrial.

Nor need this entail any expense on the ratepayers beyond the addition of a wing to the school buildings, to contain a small library and to receive the various geological, botanical, ornithological, entomological and other collections illustrative of the locality.

We must now see by what means these various collections are to be formed and brought together by voluntary and inexpensive labour.

In every locality are to be found a certain number of gentlemen interested in geology or some branch of natural history, such as entomology, and of ladies who delight in botany in general, or in some special branch of it, such as ferns, ornamental shrubs, flowers, and who would be only too happy to find some congenial occupation to wile away agreeably and usefully some of the spare hours of their country life.

Let these form a general committee of management, and, each working in the special branch suited to his or her taste, bring at stated periods some contribution to this epitome of the part of the country they inhabit, the contributor's name being always attached to each contribution. A sort of national pride in the museum they had helped to create would awaken a deep interest in it, and no doubt gifts of the best works on geology, botany and natural history, and the historical records of the locality and county, would soon follow. Much assistance might also be got from the children themselves, if asked as a favour to look for and bring whatever specimens of the stones, plants and insects might still be wanting.

I am convinced the germs of such a local museum already exist in most localities; for almost every family enjoying the luxury of leisure can boast of one or two collectors. Some wander about with box and hammer in search of stones and minerals; others form collections of birds' eggs, or butterflies, or other insects. Many young ladies delight in searching for every variety of ferns or other plants, and spend several pleasant hours a week in classifying and naming them in neat herbariums; and some in their childhood collect views and other prints, which later they discard. Were there a central deposit in the neighbour-

Digitized by Google

ing village to receive and classify all these partial collections for the benefit of the school boys and girls, they would survive the passing fancy that presided over their formation, or perhaps that fancy would itself be kept alive by this inducement even amidst the more stirring avocations of after-life.

All these tiny museums might be in communication with the large county museum, and with the mother-institution at South Kensington, and become each in its turn the recipient of their duplicates and other surplus treasures, and consult them as to the last best classifications. In these classifications it would be desirable to give to each object its popular or local name in large letters, and its scientific name or names in smaller letters, for the benefit of those who might wish to study any particular subject scientifically.

A short and concise account should also be attached to each object, stating its nature and the various domestic, industrial and commercial uses to which it is put, with specimens of tissues, articles of household furniture, agricultural implements, &c.

Indeed, in the small as well as in the large centres of industry, a miniature museum of the local industrial arts should be attached to every Board school, and the employers would no doubt not be slow in furnishing it with the necessary specimens, as much in their own interest as from humanitarian principles.

With a few pages from every part of the grand book of Nature thus laid open to their eyes and observation, and a few specimens of the wonders of science, the delights of art, and the achievements of industry thus brought before their plastic minds, and with easy explanations from their teachers in answer to their inevitable inquiries, drawing their attention to the nature and uses of all the stones, earths, plants, insects, birds, animals which surround them, a foundation of practical knowledge will be laid that will make the use of books both interesting and profitable.

National and provincial museums and galleries are most valuable, no doubt; but only partially so. They are only available for the inhabitants of towns, and for those whose passion for study has already been awakened; but have no influence on villagers, peasants, and clodhoppers, who, as producers, stand most in need of knowledge, and among whom social indifference and neglect have left

> 'Many a flower to blush unseen
> And waste its sweetness on the desert air.'

Digitized by Google

Who can tell how many 'mute inglorious Miltons,' how many Wattses, Faradays, Stephensons, Giottos, Rubinsis might be discovered in those rich human mines concealed in remote regions! To chance alone is now left the care of bringing to light a few nuggets; but an enlightened organisation will dive below the surface and seek for the rich intellectual and artistic treasures, and polish and distribute them for the benefit of mankind.

With a small scholastic museum and library attached to every Board school, the rural teachers themselves would rise in practical knowledge and find less drudgery in their occupation. Object teaching or teaching by sight would then become a living fact all over the land, especially where most wanted: and the spirit of observation, applied to whatever meets the eye, would give clear ideas of what will be eminently useful in after pursuits. Every child would find the difference between 'eyes and no eyes' as taught in a tale in 'Evenings at Home,' which I remember made a deep impression on me as a little boy. Lessons of *things* forming the staple of elementary teaching, words and ideas, that is, the *abstract* teaching of the intermediate and upper classes, would be quickly and pleasantly acquired from books illustrated with correct representations of Nature and Art.

HOW TO ESTABLISH RURAL SCHOLASTIC MUSEUMS.

To put what is here proposed in a less general and clearer point of view, I will conclude with a short sketch of a village school museum as indicated above.

1. It should contain either stuffed specimens, or skeletons, or correct representations of all the fauna of the neighbourhood, with their popular and scientific names, and a short account of their nature and uses appended. These must come gradually as gifts.

2. Specimens of all the fishes, birds, and insects from the highest to the lowest species. Here the activity of children may be most usefully employed. Children delight in seeking; who has not heard their cheerful: 'Here is one!' 'Here's another!' 'I found it first'? Under the guidance of their teachers they will seek and find the specimens still wanting—the teachers and managers of the museum having only to classify and attend to the nomenclature.

This game of hide-and-seek between nature and the school children at play-time will afford the teachers many opportunities for conveying much invaluable practical knowledge of things,

Digitized by Google

such as the uses to which certain creatures can be put, the benefit of encouraging the growth of one species rather than of another, and, not least, the advantages and *profit* of kindness to the brute creation, even though the necessities of existence compel us to sacrifice many.

3. A collection of all the trees and plants that constitute the flora of the district.

Here the girls will vie with the boys in searching for the required specimens, and helping to complete and enrich the classified herbariums, learning at the same time practically the names, distinguishing characteristics and uses of the various plants they daily meet with.

Ligneous plants would of course only be represented by specimen branches of every shrub and tree, cut across, obliquely and longitudinally, to enable the teacher to explain verbally the formation of the woody substance, and indicate the purposes to which each sort is best adapted.

Most valuable and interesting hints might thus be given to the children touching the culture of all the useful vegetables, flowers, and trees, their uses and their value in an agricultural, industrial, and commercial point of view; thus preparing them to become enlightened and even scientific farmers, or intelligent farm-labourers; and, in the meantime, with the instinctive tendency of children to talk and impart to others any new idea they have acquired, they may unconsciously even educate their elders.

4. A collection of all the rocks and earths which constitute the geological character of the neighbourhood, and their classification and analysis, showing their bearing on agriculture, horticulture, and floriculture.

Amusing practical lessons on applied chemistry, such as are given at the Polytechnic, might here come occasionally to vary and enliven the ordinary studies, and draw the children's attention to the fact that certain earths are better suited to certain growths, and *why*; and that by a careful choice of manures, whether mineral, vegetable, animal or mixed, and by proper drainage or irrigation, they may so modify the nature of the soil as to suit it for what they may consider a more profitable growth.

Cottiers and possessors of small plots of land, now scarcely of much use, may be thus taught to turn their small holdings into valuable kitchen and flower-gardens—a consummation much to be desired in England, where, as a rule, flowers, vegetables and fruit are largely imported from abroad. Indeed, I should wish to see the love of flowers encouraged and carried

Digitized by Google

to such an extent that every window-sill in towns as well as in villages should be turned into a flower-garden, and thousands of flower-pots become the receptacles of all the waste tea-leaves. The health of towns would greatly improve under the power flowers have of purifying the air of gases which are injurious to animal life. A knowledge of the laws of health scarcely known even to the educated classes of large towns may be incidentally introduced and permenently impressed on the minds of children; and these lessons on chemistry should be followed by a few hints on physiology, pointing out the evil effects of the noxious gases emanating from the decomposition of organic matter, confined air and uncleanliness, thus helping to save millions of lives and billions of pounds sterling in future generations. Let sanitary reformers look to this.

5. Pictures and specimens of animals and vegetables foreign to the locality would of course find their place gradually in the museum, through the enlightened local patriotism of the nobility and gentry of the neighbourhood. But care should be taken that in pictorial representations a correct notion of the dimensions of the beasts, birds, insects, plants should be acquired by the juxtaposition of some well-known animal, as a horse, a dog, a cat, &c., in the same proportions.

6. A few simple machines with explanations should also be added—children love to ask questions about what they see, and to see what they have been told about. These two powerful levers in education have been but too much neglected. At all the International Exhibitions that have taken place in Europe since 1851, I have been struck with the crowds of women of all ranks, and of children who flocked to the machine departments, and with the interest they took in the working of the machines and the attention they paid to any explanations they could obtain. Surely this curiosity and this interest is a power that might easily be worked for the furtherance of education.

7. The walls of every schoolroom should be literally papered with maps, and the beautiful synoptic diagrams and tables of geology, natural history, botany, &c., and on a few shelves or in glass cases should be displayed the geometrical figures and copies of choice works of art to be found in that Educational Paradise, the South Kensington Museum.

The place which the various specimens contained in the local museums hold in the general scheme of nature could thus be clearly indicated, and the young mind led step by step from the *well*-known to the unknown, and the most highly-gifted minds led on to further investigations which may be-

Digitized by Google

come a lasting benefit to man, as are steam-power, gas, electricity; while the ordinary minds will at least have learned to use *what facilities they have to the best advantage.*

8. Art.—As all our furniture, glass, china, decorations, jewellery, embroidered tissues, laces, and other refinements and elegancies of life pass through the hands of the working or so-called lower classes, so many of whom are recruited from the village or the hamlet, our best endeavours should be used to awaken in them as children a taste for the beautiful in form, colour, and distribution. They should be brought unconsciously to combine in their minds the beautiful and the graceful with the good and the useful. If they are called upon to make any article, however simple, they should be led instinctively to make it sightly. The senses of the most intelligent should revolt at the sight of avoidable ugliness; and by *ugliness* I do not mean the æsthetically grotesque, which finds its place in art.

But how can we call forth this love of the beautiful in poor cottage-born children? Merely by bringing good examples of art within their reach from the moment they enter school. I will even go so far as to say it would be good social economy to furnish them from their cradle with those well-proportioned, almost artistic, toys for which Nürnberg has made itself remarkable. But anyhow, small models of the finest specimens of sculpture, architectural ornamentation, and, in the absence of paintings, a few well-chosen engravings and lithocromes might decorate the walls, the entrance hall, the staircases, in short wherever there is a blank space. With the addition of a large volume or two filled with pictures of the most remarkable buildings in the world in all styles of architecture, a small gallery of art might be established quite sufficient to awaken any dormant artistic powers, or at least to cultivate without trouble the taste even of boors, already accustomed to observe the natural objects that surround them.

No doubt, if requested to do so, the nobility and gentry of the neighbourhood would with their usual liberality lend some of their works of art on certain occasions, such as the distribution of prizes, or for a certain period, so that a small permanent gallery with frequently changing contents might bestow on simple villagers some of the refining advantages now only to be obtained in towns.

Here any of the children who might show a taste for drawing, painting, carving or modelling might be encouraged to cultivate it as a reward for industry and good conduct in their other studies.

Digitized by Google

And, finally, in the course of time, the intelligent managers of the South Kensington Museum might organise a few ambulating museums, if only a huge railway carriage, and send them the round of the rural Board schools, with a keeper competent to explain *why* from an æsthetic point of view these examples of art excel. By degrees the teachers themselves would be able to undertake these pleasant duties; and they should be encouraged to do so by raising their *status* in society, for which they would thus become more and more suited.

9. Music.—As the question of music, that most fascinating of all arts, is to form the subject of special Papers, I will not here dwell upon it. But if the children are to be taught singing, by all means let it be of as artistic a sort as possible. If they are to sing choruses, glees, or solos at their occasional entertainments, and psalms and hymns at their churches or chapels, let those guttural and nasal sounds which grate so painfully on a cultivated ear be carefully avoided. But as all teachers cannot be expected to be gifted with good voices and musical abilities, we might perhaps take a hint from Sweden. In the Skandinavian Kingdom, when the villages are too small or too poor to engage the full services of a master, the same master will undertake two or more villages, passing alternately from one to another. With the wonderful and ever-increasing facilities of communication enjoyed by Great Britain, an ambulating music master, of whom there are so many in the Metropolis, might be engaged by several neighbouring villages, and a certain proficiency thus insured.

From the foregoing remarks it will be seen that I wish by a little more practical teaching to diminish by a few hours a week the confinement of mere book and desk work, to the great relief of both pupils and teachers, and to the improvement of their bodily health; and likewise to facilitate their intellectual and moral education by instilling into them mechanically correct and pure notions through the medium of the senses of sight and hearing, and through these two exquisite but often distorted senses, lay the foundations of true artistic taste.

I will now conclude this Paper by stating that MM. Groult and Cazals are already devising something of the sort in France, and that M. Vandamme, governor of Belgian Luxemburg, delivered an admirable address last July tending to the same object. (See 'Le Devoir,' an excellent weekly periodical published by M. Godin, of Guise.) That Great Britain may enter into noble rivalry with France and Belgium on this grand pacific field of National Education is my earnest prayer.

Digitized by Google

MISCELLANEOUS.

Dr. J. S. PHENÉ, F.S.A., read a Paper on 'The Humanising and Refining Influences of Art.'[1] The author of the Paper first treated of the two most prominent materials used in art by the Egyptians and Greeks, whom he described as the two earliest art nations. Granite was identified with the Art of Egypt; the white stone of Paros (marble) with that of Greece. The first he described as 'unlovable,' even when highly polished, and the human form more defined, as under artistic Greek influence it sometimes was, even in Egypt; the second, as a vehicle for glory, fit only for Grecian art. The former was exactly suitable for the sombre theology of Egypt, which dealt only with the tomb and Hades; the latter, for the brighter theism, which treated of Zeus and the heavenly deities of Greece, bathed in light and quaffing ambrosia. The arts of both nations begat refinement, but the refinement of the one was antithetical to that of the other. That of Egypt, placid and stolid, whose bourne was death, relieved by a far-distant hope of a new life; that of Greece, impatient of death itself, spoke of the possible and immediate translation to the heavenly abodes. The influence of such art on the people, and the re-influence of tastes so engendered on art, through its operators, were then described; and the creation of special presidential functions and their appropriation to imaginary semi-deities were illustrated. Art, in these nations, was the illustrator of their religion, everything was subservient to the personification of their gods. The Greek sculptors, inspired with their zeal for the deities of life over the Egyptian deities of death, breathed in the very atmosphere of their gods, and under highly-wrought feelings, seeming as in their presence, repeated from mental impress the heaven-inspired portraits. Hence the Greek marbles are varied in expression—soul, wisdom, energy irradiate them, and the limbs seem almost to move from the apparent operation of the working of the mind. The Egyptian scultured deities were, on the contrary, as uniformly monotonous, immobile, and unanimated in expression, as the Egyptian disposition was inelastic, and wanting in active effort, illustrated characteristically by the inflexibility of a Pharaoh and the assignment of actual government to a Joseph. But notwithstanding these extreme differences, one grand feature was prominent and alike in each—the honour paid to women. Monogamy was firmly adhered to as a lofty function by the

[1] See *Transactions*, 1877, p. 766.

Digitized by Google

highest order in Egypt—the priests—and the Achaian Greeks, perhaps more from custom than law, appear, from the Homeric recitals, to have preserved it; a result, probably, of the regal and priestly functions being sometimes combined. The higher order of the Greeks evidently emigrated from other lands, bringing with them their artistic tastes, and were, as among other ancient people, governed, each family by its head, such head or chief acting also as priest, an office requiring virtue, hence the practice of monogamy. With all their ardour, the Greeks strove but to raise the highest form, that of man, to deity, and though they ennobled, elevated, inspired with spirit itself, softened, refined, etherealised, still their gods were clothed in earthly tenements which were ponderous in spite of their apparent buoyancy. All this was shown in the feelings and habits of the people. The Egyptians were humble and enduring, kind, polite, considerate. If Pharaoh oppressed, the people recompensed with jewels of silver and jewels of gold; the Greeks were haughty and fond of self-aggrandisement, but lovers of valour and of legal and military justice. Civil polity and order, respect for law, tasteful habilimentation and decorum, seemed to mark as a consequence art-loving nations. Their art objects were highly treasured; there appears evidence that when a party in Athens wanted to remove their opponents by death through the anger of the populace, the mutilation of the statue of Hermes, and the suggestion that it was done by their opponents, raised the public ire successfully against them. Chivalry was originated amongst the Greeks, and was the offspring of Art. The Phœnicians stand midway between these two nations. They were more imitative than original, borrowed their art ideas largely from Greece, and traded in the articles of Egyptian and other produce. Their characteristics partook of both. Though often accused by the Greeks of extortion, they appear to have been fair dealers, and even went beyond the Greeks in some arts; their habits were less civilised, as their art was less pure, than that of Greece. Even the primitive nations, whose art seldom exceeded the stone celt, the treasured comb (whether for the hair or for working flax), and the spindle whorl, showed a refining influence arising even from such art, and they respectfully placed them with the remains of their owners, and abhorred appropriating them to their own use, so that such simple chattels became not only the evidence of, but apparently the originators of, a respect for the rights of property, through the care and interest bestowed in their art preparation, rather than from their intrinsic value. The most remarkable illustration of the effect of art in influencing

Digitized by Google

humanity by producing refinement of feeling, was a negative one. Of course it was not assumed that art was the only agent in such results. Visible art was always found as a companion to the higher religions; with it polity, law, jurisprudence, rhetoric, which were all arts, were seen hand in hand with the sister arts of literature, the drama, history, music, and science. It was, however, remarkable that the Hebrews, who had the highest form of religion, were inartistic; still they revered art, and as the Hebrew women borrowed jewels of silver and jewels of gold from the Egyptians, so their great king borrowed the artificers of Hiram in wood and metal work. The negative illustration was that of the followers of Islamism. Once highly artistic, all their art together with their energy was sapped by polygamy, but degenerating as this was, it was nothing to their doctrine of women having no souls. By this women were taught that their animal passions were alone to be esteemed; there was no emulation even after worldly fame; the mind stagnated; the grand functions of the mother, the sister, the heroic and co-striving energies, endurances, courageous and encouraging features which characterised the betrothed maiden and the honoured and honourable consort of other religions, were unknown. Art amongst them was now nowhere to be found. The high art of the Moors arose, and was sustained, from emulation with the art workers of Christendom; that emulation once removed, no internal power remained. Similar evidences were drawn from other nations with whom polygamy was a custom. Emulation in attracting the admiration of women, was a great inducement to the producers of art, while the study of beauty and perfection in artistic works was one of the most elevating and refining accomplishments of the fair sex.

Mr. Edward J. Watherston read a Paper on 'The Place of Jewellery in Art.'[1] The author said it is a very singular fact that among the many efforts made in modern times to elevate the feeling of true art, and to spread a knowledge of it through all classes, one feature of the great subject, presumably interesting to most persons, should have been almost entirely overlooked. It is that art in dress includes art in the use of what is generally called jewellery, or personal ornaments, whether in gold, silver, or precious stones. Jewellery is not only a part of dress, or costume, but it is older than any other form of apparel. To this day, a negress will

[1] This Paper has been printed in full by the author.

Digitized by Google

be content to put a bracelet around her arm, or a necklace over her bosom, before she thinks of any other garment for her body. To her the ornament is the real dress—that is, a means of either adding artificial to natural charms, or of compensating for the absence of the latter. And so it was, probably, from the beginning. The bit of ornament, the necklace, the ring, the bracelet, was chosen with the object of adding to personal beauty, and was mostly carefully chosen, with a sort of instinctive feeling for symmetry. That natural instinct certainly is gone in modern times, and art has not filled the place. A lady will consult assiduously a milliner as to the form of bonnet most becoming to her, or a dressmaker as to the most befitting robe. But whenever was a lady heard to consult a jeweller as regards her earrings, bracelet, or necklace? It is the mere money value that attracts, almost invariably, and the fitness of the special ornament to the person intending to wear it is very nearly the last consideration. Yet this is clearly barbarism in art. What would be said of a beautiful woman hanging a string of sovereigns, or, better still, a roll of hundred pound Bank of England notes around her arm or neck? But this is exactly what is happening now, in the absence of all art instruction on the subject. A lady to whom rubies are most becoming, will wear emerald or turquoise ornaments, regardless of the colour of her dress; another will insist on decorating herself with gold, while silver would be the most suitable. So, too, as regards the shape of personal ornaments. A tight-fitting bracelet is put on a stout wrist, to make it look larger than it actually is; and a loose one placed over a thin arm, to make it appear still more slender. Of course the ladies, after all, must not be blamed, but the absence of teachers. They themselves are the greatest sufferers from the 'blind and naked ignorance' in respect to the use of personal ornaments, as a part of costume to be carefully selected, so as to be most becoming to the individual. To the Greeks, 'our masters in art,' we must look, as in many other things, so also as to the most befitting use of jewellery and all personal ornaments. The Greeks, and to some extent likewise their art pupils, the Romans, exhibited their innate feeling for symmetry and beauty in this respect in that they made the head, the noblest part of the human form, the chief object of decoration.

An important part of the ornaments for the head used by the Greeks and Romans still survives to this day, namely, earrings. But it survives in a very attenuated, and altogether inartistic form. It is certain that 'our masters in art' employed eardrops, as they did all other personal adornments,

Digitized by Google

with a strict view to proportion and symmetry. They would not have dreamt of enclosing a full round face by broad ear-pendants, nor of setting deep-coloured rubies, or corals, around features of dark complexion. Least of all would they have dreamt of shaping such monstrosities, as the majority that are made nowadays, to hang against the face of a beautiful woman in the shape of earrings. The contrast between our productions at this day and ancient Greek art is almost painful.

Next to the decorations for the head, those destined for the neck and bosom played the most notable part in Greek and Roman personal ornaments. It is most surprising that some of the designs of necklaces adopted, in particular, by the women of Greece have not found grace in the eyes of modern ladies, unquestionably beautiful as they are, and befitting moreover to varieties of costume, by alterations in form and colour most suitable to the wearer. Perhaps there is nothing more charming to be found among these ancient necklaces than the three-stringed ones of pearls, intermixed with precious stones. Usually, the upper string—loosely hung, if it were wished to make the neck appear more slim than naturally, and tight if the contrary was desired—was made of pearls; while the second, hanging some way down the bosom, was composed alternately of pearls and precious stones; and the third, falling in its lower part upon the centre of the bosom, was entirely of precious stones, carefully selected, in shape and colour, to suit the wearer. The arrangement of these three strings of pearls and precious stones around the necks and bosoms of the Grecian ladies was artistic to the highest degree.

In conformity with all their views of adorning the human figure, so as to attain to the utmost perfection of beauty in appearance, the Greeks paid comparatively little attention to such minor ornaments as bracelets and finger rings. The diadem on the head, and the necklace, uniting symbolically the head with the bust, gracefully covering the latter part, were clearly ornaments made to beautify the whole body; but this was not so as regards all the embellishments attached to arms and fingers, which could only serve to enhance these special parts of the human frame. This was, undoubtedly, a true principle of art, which we, with many others, have entirely forgotten.

Finger rings, so important a part in modern jewellery, were originally even less esteemed, and naturally so, as ornaments for the human body, than bracelets. At the outset, they were indeed mere implements, used as seals, or keys, and for various other purposes.

Digitized by Google

The thought here, if inspired by different motives, is precisely that running through the whole of Greek art. It is, that all personal ornaments should be designed solely to increase the beauty of the human figure, and that it is barbarous to make them mere exhibitions of wealth. In other words, all that we designate under the general description of *jewellery*, including gold- and silversmith's work, made for personal adornment, should be, above and before all, the produce of art. That such art produce has a specific value on account of the raw material of which it is made, ought to have nothing whatever to do with this primary consideration. A bare, or ugly, lump of gold around the neck or arm is no more a piece of jewellery than a lump of lead.

That those entirely false notions respecting the actual *value* of jewellery, which are largely prevailing in modern times, should have arisen, is, it must be admitted, not quite the fault of the public. Art in jewellery has not advanced but retrograded, chiefly because we have had no artists. Like painting and sculpture, the art of the goldsmith and the jeweller is a peculiar combination of artistic knowledge in design, and of mechanical skill in execution, which apparently it takes generations to develop. In many countries of the East the art is still hereditary, its craft and mysteries descending from father to son.

There is one point in connection with personal ornament, comparing ancient and modern productions of art, which is much overlooked. It is that, while the goldsmith is one of the oldest of artisans—it being probable that gold was forged even before iron, or at least simultaneous with it—the jeweller, properly so-called, is of modern origin. The ancient Greeks, Etruscans and Romans, it is true, largely used stones for their ornaments, but they did so in a rough way, apparently caring for colour more than lustre, and subordinating both entirely to the design, represented by the metal work. It was not till towards the middle of the fifteenth century that the art of cutting precious stones into 'facets,' so as to exhibit their utmost lustre, was discovered, or at least practised. Resplendent as are the beautiful objects thus made, to show their most refulgent light, it is not quite certain that the discovery has been an unmixed benefit to art. If it is admitted that the main object of all personal adornments is to increase the natural beauty of the human figure, or, what is the same, make up for any deficiencies, whether in form or colour, the skill of the lapidary often may prove a danger rather than an actual advantage. In our own

Digitized by Google

days, probably, harmony of colour is even less studied, as regards jewellery, than symmetry of form. And yet the matter is more important, in an artistic sense, in modern England than it was in ancient Greece. The Greeks knew only one light, that of the sun, and could measure the effect of colours accordingly; while we, in our northern cloud-laden atmosphere, are reduced, for a great part of the year, to artificial illumination, which greatly changes the effect of tints. Thus jewels, entirely fitting the wearer in the light of the sun's rays, may have a very bad effect under jets of gas; and what often will appear beautiful under a cloudy sky may produce the contrary effect in a ball room. But, apart from these special considerations, there are others, of a general nature, the perception of which is far from familiar to even highly educated persons. Outside the circle of pure art-students, there are few who are aware that the harmony of colours consists not in uniformity but in contrasts. To create beauty there must be contrasts, and it may be laid down as a general rule—which, however, like all rules, has its exceptions—that the greater the contrast the greater the beauty. It might assist many ladies, entirely ignorant of the fact, to know that pure red is the most perfect contrast to pure green; that pure yellow is the most perfect contrast to pure purple; and that pure blue is the most perfect contrast to pure orange. All perceive the effect in the harmonious grouping of colours, but as yet there are few who have made study of the causes. It seems rather singular, considering how careful the sense of hearing is trained with us, to distinguish the minutest shades of sound. There are none assuredly who will assert that the eye is inferior to the ear; but still, for all that, the education of the ear is developed to the highest degree, while that of the eye is comparatively neglected. It is one of the anomalies of modern art education.

There can be no doubt that the wearers of jewellery, alike with the makers, would derive very great advantage if they would go back somewhat to the ancient Greek model, in studying the first principles of personal ornamentation. But something more is required. It is that all the best articles designed to adorn the human figure, in the noblest sense, whether of gold, silver, or precious stones, should not be made merely to gratify the passing whim of individuals, or the exigencies of ever-fleeting fashion, but should invariably be products of art.

Mr. P. G. Skipwith read a Paper on 'Some neglected principles of Decorative Art.' The writer said that the pursuit

Digitized by Google

of art had been of late so liberally fostered that its first principles should by this time be familiar to all. Yet we see them disregarded on all sides. In the use of cement as wall covering in imitation of stone outside houses, and in the non-use of it on the inside of the walls of our churches when restored, these principles are equally neglected. In architectural competitions for church work as generally conducted, when solemnity is too often sacrificed to smartness, and propriety to pictorial effect—in the desire of architects to strike out a new line, to invent a new style, we have also instances of the disregard to these principles, and the result is the vulgar grandeur of music-halls rather than the calm and quiet dignity of churches. In the old stained glass work of the thirteenth century the glass of the windows was composed of thousands of pieces, resplendent in colour, pictorial in effect, but essentially flat in treatment. Now, though the quality of our glass has improved, we continue to disregard structural consistency, and content ourselves with transparent pictures whose strongly marked lights and shadows contravene not only the frame of the window but the primary object of the glass itself. The picture is sometimes carried across the window without regard to the mullions and tracery, and thus is at war with the fabric—the picture with its frame. Canopies shown in perspective are out of place in a window. Their apparent projection is as false as that of the figures they profess to cover. Large figure-subjects tend to dwarf the apparent size of the openings and to draw attention to themselves rather than the architecture they should adorn, while compositions of small subjects facilitate the equal distribution of colour which is so desirable. Whatever scale is adopted should be preserved throughout, or unity of design is gone. The injurious effect of a large east window on the reredos when it is situated immediately beneath it, and not as in some cathedrals advanced into the choir, deserves the attention of architects. The remedy may perhaps be found in an apsidal termination of the chancel, or in large windows north and south of the altar. Turning to street architecture, the first thing that strikes us is the apparent instability of modern buildings, which seem for the most part to rest on large sheets of glass set on edge and held together by light frames of wood or iron. Take a corner shop of this sort, threatening apparently at any moment to fall upon and crush the beholder. Houses of this kind seem to have been built as if they stood on their heads, with the object simply of getting a few more square feet of window for the display of goods. Iron is made to do duty for stone, and so degraded to its worst use. Enter one of these, a

Digitized by Google

fashionable upholsterer's, and see what sort of wares they have to offer. Gothic forms are the fashion, but they are hardly well represented here, chairs with rigid upright backs, and other articles of the most austere treatment of Gothic form, entirely opposed to the principles of truth and subordination, willing submission to the form and purpose of the thing decorated. Wardrobes, whose carved pilasters proclaiming the solidity of their framework, turn out on further inspection to be mere dummies stuck on to the doors, having no object but to deceive the ignorant and unwary. Turning to examine what we are told is a real work of art, a mahogany sideboard in the Adam's style, we find the leading lines good and truthful, and the whole well adapted to its purpose. But the rectangular panels are decorated with festoons of flowers supported by ribbons, the ends of which float about in impossible positions, done in embossed leather, appliqué work, a sham and a monstrosity, a senseless distortion of the form into which a pendant ribbon would fall. Ornament it has been well said is 'the decoration of instruction.' Restraint is of the very essence of ornament—restraint and self-surrender, or as the greatest art writer of the day has it, 'the willing and happy submission to the circumstances under which it is placed.' Shaped furniture is a simple waste of money and material, without any rational explanation, though approved by certain advocates of the so-called 'Queen Anne Style' of furniture. The designs of carpets have much improved of late. The colours are not loud, the patterns are flat and geometric, and the borders thoughtfully worked out. The margins of floors should be polished or of parquetry. But the pattern of parquetry should be geometric and flat, and not, as some manufacturers will have it, of involved and interwoven devices that refuse to be flat. Common sense tells us our walls should be left as they are, in the background, their decoration quiet, unobtrusive, and flat. Bunches of flowers dabbed over the surface can never be ornamental, however cleverly executed. Above all things, let us avoid such shams as papers stained to represent marble or oak or lace-work. To suggest a decoration we cannot afford is to parade our poverty in a manner peculiarly unpleasant. As to ceilings, why not decorate them? We leave this great blank space alone and look at it as seldom as we can. We like to see the well-tiled roof outside. It tells us of the comfort that awaits us within. Why should not our ceilings repeat the tale, instead of chilling us with their cold and heartless stare? A little colour laid on with distemper and relieved with a simple

Digitized by Google

border is all that is wanted, and a few shillings spent in that way would well repay us for the outlay.

Professor G. F. Armstrong read a Paper on 'Dramatic Reform.' He commenced by recounting the circumstances leading to the establishment of the Dramatic Reform Association, by the Committee of which he had been requested to read this Paper at the Congress. The object of the Association he declared to be neither aggressive, partial, nor puritanical, but to contribute by whatever fair ways it could to the enlightenment of the public mind regarding the existing state of the drama, to the stimulation of public taste in relation to the higher forms of the art, to the encouragement of managers and actors who are anxious to ennoble the British stage, and to the examination and neutralisation of the causes that operate to the detriment of the drama. He did not contend that the moral aspect of the drama of the present day was worse than that of every era that has preceded ours; on the whole, so far as their *literary* features were concerned, the amount of indeceny in our dramas is less than in those of the Restoration period or of the Elizabethan age. But such objectionable features as now exist are unredeemed by any intellectual sparkle. The theatrical entertainments of the day appear justly liable to these charges: —*First*, that they are, with some honourable exceptions, contemptible as intellectual productions; *secondly*, that they are in a large number of instances mere exhibitions of nudity, brilliant or scanty costumes, the artifices of the ballet-master, the ingenuity of the scene-painter, and the dexterity of the scene-shifter. Professor Armstrong proceeded to inquire into the causes of the present condition of the stage, and contended that it did not arise from any lack of dramatic poets, although it may be said that the works of our best living dramatic poets are not suitable for theatrical representation. The unwillingness on the part of these poets to adapt their plays to the stage is probably due to the following facts:—*First*, there seems to be no demand on the part of managers for the poetical drama; *secondly*, there is not in any theatre in London a sufficient number of good actors to supply the cast of a poetical play in which many characters are to figure. There is, in fact, no deficiency of the talents either of dramatist or playwright; and much of the genius now directed to novel-writing might be used for the production of dramas, if circumstances were more favourable. The healthy vitality of the stage must always largely depend on the activity, productiveness, and skill of new and ever newly-emerging dramatic authors; and in response

Digitized by Google

to a demand for high-class dramatic works he believed the country could supply writers of a fairly good type. If we were ever to see the British stage alive once more with the creations of new British dramatists, it appeared to him that these creations must be fashioned to a certain extent in conformity with the tastes and cravings of the theatre-going multitude. If the public, for example, plainly require an element of 'sensationalism,' as it is called, to attract them to the theatres, some degree of sensationalism must be embraced in the dramas that are offered to them; and it should be the aim of the dramatist of the future to find a mean between the melodramatic monstrosities of the sensational-drama proper, and the monotony in point of incident of the mere drama of character. If there be a popular craving for *spectacle*, the modern dramatist will not do well to ignore the fact, and a drama will hardly be found to suffer from good stage scenery and handsome costumes. If, again, there exists in the multitude an intense love of burlesque, something must be done, by a judicious infusion of comedy and a lively and brilliant dialogue, to gratify harmlessly that propensity for the satisfaction of which burlesque injuriously flourishes. The only taste that must not be catered for in any degree, is the love of coarseness, impurity, and profligacy. The ballet, beautiful art as it is, is yet an inferior and subordinate art, and should not be permitted to pass beyond the bounds of decency, or degenerate into a mere pantomime of gross and questionable gestures. In answer to the question, How can the reform of the drama be secured? Professor Armstrong remarked that a wise and careful supervision of theatrical matters on the part of the recognised authority, a vigorous public censorship regulated by intelligent and cultivated men, the activity of bodies like the Dramatic Reform Association, and the withdrawal of support from exhibitions of a gross and imbecile type, suggested themselves as possible measures of repression. As measures of encouragement, direct and indirect, he advocated the establishment of a State theatre, and of theatres supported by private enterprise. At the root of the matter lies public taste; the remedies suggested depend for their success upon public support. Persons of cultivated taste, by a distinct manifestation of approval or disapproval, should constitute themselves leaders of the masses. To sum up, the cultivation of the study of the drama in schools, the formation of dramatic clubs and societies in the Universities and amongst the intellectual classes in cities and towns; the diffusion of the best English dramatic classics in a cheap and readable form among the people; the extension

Digitized by Google

and activity of such associations as the Dramatic Reform Association; the frank and straightforward expression of opinion upon the condition of the stage, and the advocacy of dramatic art from the pulpit and the platform, and in the press; these means might be tried, and in their combination they could hardly fail to accomplish some measure of reform. And was not the attempt worth making? It was a pitiable thing to think that the nation which has produced the world's greatest dramatist and a poetical literature which has been justly described as the richest of modern Europe, should have little better dramatic performances to exhibit, amidst all its wealth and enlightenment, the grandeur of its political successes, and the glory of its imperial sway, than the grossness of burlesque, the ghastliness of mere 'sensational' melodrama, and insipidly indecent comedies 'stolen from the French.'

Mr. H. P. MacCarthy read a Paper 'On the Present Position of Sculptural Art' in this country, calling attention to the existence of the want of a more general taste and encouragement of the plastic art, both for the erection of ideal groups and fountains upon suitable sites in our large cities, public places, parks and gardens, which would raise them in dignity and attractiveness, and for architectural decoration, external and internal. He showed that a larger patronage of this the only art which embodies in its entirety and perfection the 'human form divine,' and represents energy, sentiment, and passion, would not only embellish the cities, and more duly reward its professors, and develope the genius of the 'plastic hand' of the student to bring forth works worthy of this empire, but it would prove an important art education for the people. He also showed that subjects for representation need not be confined to the classic, and if extended to the drama of the 'life we live' and works of fiction of modern date, whose heroes and heroines are household words and are known to the masses, they would be both intellectually and morally better instructors. Further, that the effect of our climatic influence should not prevent the external use of the art, considering that for this purpose excellence of form and composition is the main essential, and not the colour of the object represented. Moreover, that genius does exist in our native artists for execution of works equal to those of any other nation, and only requires proper encouragement by the Government, and all true lovers of art.

Digitized by Google

APPENDIX.

REPORT OF THE COUNCIL TO THE CONCLUDING GENERAL MEETING OF MEMBERS AND ASSOCIATES.

THE Council have much pleasure in congratulating the town of Cheltenham upon the successful Congress that has now been brought to a satisfactory termination. No less than 718 tickets have been sold, which, considering the population of Cheltenham, is a result that will bear favourable comparison with any previous meeting of the Association. Indeed, it is not too much to say that, in no place of a similar magnitude, in point of population, could a greater interest in the work and objects of our society have been displayed.

The inaugural address of the President was delivered to a brilliant assemblage, and the attendance at the addresses of the Presidents of Departments has been exceptionally strong. The discussions in the Departments have, on the whole, been well supported, though, as is usually the case, some Sections have been better attended than others.

To the Mayor the Association must be always indebted for the great interest he has taken in the proceedings throughout, and for the very liberal hospitality that our members have experienced. The thanks of the Association are specially due to the Rev. Canon Barry, D.D., for his opening sermon; to the Principal of the Ladies' College, for the use of the building; to the New Club, and the Cheltenham Permanent Library, for placing their rooms at the disposal of our members; to J. C. Dent, Esq., of Sudely Castle, and the Rev. J. E. Fenwick, of Tharlstaine House, for throwing open their residences for the inspection of visitors; and, though last, by no means least, to the local honorary secretaries (Colonel Basevi and the Rev. E. Cornford), the treasurer, the local committee, and the many other gentlemen whose energetic labours and kind hospitality have conduced so much to the success of the meeting.

The Council would specially thank the Press for the able and friendly manner in which the proceedings of the Congress have been reported.

The following are the reports of the proceedings of the various Departments:—

I.—Jurisprudence and the Amendment of the Law.

In the Jurisprudence Department the question of the Codification of the Criminal Law, with special reference to the Attorney-General's Bill, was opened by Papers contributed by the Hon. E. Chandos Leigh and Mr. Alfred Hill. A further Paper was contributed by Mr. H. W. Boyd

Digitized by Google

Mackay on 'A Model Digest.' The special question as to the 'Simplification of the Evidence of Title to Real Property by Record of Title or otherwise,' was opened with a Paper by Sir R. R. Torrens, after which a further Paper was read by Mr. Alfred Hill on the 'Law of Deeds: Suggestions for its Amendment,' and another Paper by Mr. H. W. Freeland on 'Egyptian Tribunals.' The special subject relating to 'The Consideration of the Proceedings of the Stockholm International Prison Congress,' was opened with a Paper by Dr. Wines. A further Paper was contributed by Mr. Barwick Baker on 'Cumulative Punishment,' in which Mr. Baker proposed, 'That, when an offence is proved, and a previous conviction within twelve months is shown, the last given sentence, whether of fine or imprisonment, may be doubled.' It was resolved by a well-attended meeting, on the motion of Mr. Frederic Hill, seconded by Mr. Commissioner Miller, 'That the Council of the Association be requested to take into consideration the propriety of issuing a recommendation in accordance with Mr. Barwick Baker's proposal regarding cumulative sentences for minor offences.' The special question, 'Whether the Extinction of all Customary, and other Special Tenures, and the limitation of Leasehold Term, are not desirable?' was opened by Papers contributed by Mr. S. H. Gael and Mr. James Hopgood. In the discussion which followed, it was proposed by Mr. Edgar, LL.D., seconded by Mr. Brydges, and carried unanimously by a well-attended meeting, 'That the Council of the Association be requested to appoint a committee to take into consideration the question whether the extinction of all customary and other special tenures, and the limitation of leasehold terms, are not desirable.' Further Papers were contributed by Captain Amyatt on the 'Repression of Vagrancy,' and by Mr. J. Quail on 'The Vivisection Act, 1876.' The special question, 'Should the Summary Jurisdiction of Magistrates be further extended?' was opened with Papers contributed respectively by Mr. Serjeant Pulling, by Mr. H. J. Bushby, metropolitan police magistrate, and by Mr. James Solly. In the discussion which followed Mr. Marshall moved, and Mr. Barwick Baker seconded, 'That the Council of the Association be requested to take into consideration the question of the summary jurisdiction of magistrates, with special reference to the proposed Government measure, and to the Papers contributed by Mr. Serjeant Pulling, Mr. Bushby, and Mr. Solly on the matter.' The motion was assented to by the meeting, *nem. con.*, there being about twenty persons present. A further Paper was contributed by Mr. Frederic Hill on 'The Prison Rules lately issued by the Secretary of State.'

II.—Education.

The interest in the Papers brought before this Section has been fully sustained. Of the questions selected for special discussion the first, 'Is it desirable to establish Free Primary Schools throughout the Country?' led to an animated discussion, drawing out many expressions of the opinions of practical men holding different views on this complicated question. The suggestion that free schools might at least be tentatively

Digitized by Google

opened in the districts of some School Boards which were willing to make the experiment, apparently met with the approval of a considerable portion of the meeting. The discussion on the question, 'Is it expedient to increase the number of Universities in England?' was opened by representatives of Owens College, Manchester, while gentlemen of much experience from London, from Leeds, and from Nottingham contributed Papers setting forth distinctive views on the subject. The balance of opinion did not seem to regard the case of Owens College as sufficiently made out in favour of raising it to an independent position as a body legally vested with the power of conferring degrees; though its high standing, and great utility as an educational institution, were fully recognised. It was, however, considered that the individuality and activity of the North demanded some more distinct recognition, though opinions were somewhat divided as to whether that recognition should take the form of 'regulation by,' or 'affiliation with' the existing older Universities. The Section appeared further, for the most part, to agree with the President of the Section in the view that if such means should be found insufficient the movement should take the more general form of 'a Northern University.' The third special question, 'In what way is it Desirable to connect the System of Primary Schools with the Endowed and other Schools which supply Secondary Education?' led to a decided expression of opinion that it is high time that a more efficient organisation should be introduced into the system of national education. The grading of primary schools, and their more definite association with secondary schools, was strongly recommended, both to relieve teachers of small schools, who have often to work single-handed, from the excessive labour of teaching both infants and the elder children through all the six Standards, and the better to open up the way to more efficient teaching in higher branches of study. The Section was further supported by many other Papers of unusual weight and interest. One, on the London School Board, gave a concise account of the nature of the work done in the metropolis. A brief notice of the Agricultural College at Cirencester effectively brought into notice a valuable branch of special education. The German system of Educating the Deaf, was ably expounded, and attracted much interest. The Educational influences of the Drama, were touched upon with reference to the work of the Dramatic Reform Association. The incalculable importance of early training was again brought before the Section by a Paper on Fröbel and the Kindergarten system. Two valuable Papers were devoted to the Teaching of Science in schools, and to the place in them for technical education. The important subjects of the Training and Registration of Teachers, and more especially of the training of teachers for high schools for girls, were also brought before the Section, and both the Papers and the discussion on them were full of points of much practical interest. The Duties of Women as Managers of Elementary Schools were also set forth by a lady highly qualified to know and to explain all that can, and ought to be, done by school managers, and especially of women willing to take their share in this branch of educational work. Lastly, the subject of Spelling Reform was brought forward in a weighty

Digitized by Google

Paper by Professor Francis W. Newman. The expositions afforded threw light on a question which has apparently been much misapprehended, and an audience of about 100 carried the subjoined resolution, one hand only being held up against it: 'That the question of Spelling Reform be referred to the Council of the Association, with the request that they will consider whether some such system as Professor Newman advises, of adding clearness to pronunciation by the addition of accents or otherwise, cannot be adopted.'

III.—Health.

Special Papers were read by Dr. William Hardwicke, and Dr. Francis T. Bond, on the question 'The Importance of complete Disinfection and the Best Means of Providing for it by Sanitary Authorities.' The subject was ably discussed in a well-attended Section, the opinion being that Sanitary Authorities should, by combination or otherwise, provide hospital accommodation for infectious diseases, and that where necessary the Local Government Board should have power to compel their being provided. Papers were also read by Dr. Edward G. Wilson, 'On Isolation as a Means of Arresting Epidemic Disease,' by Mr. J. Lloyd Roberts 'On Rural Water Supply,' and by Mr. Joseph Lucas, on 'Hydrogeology in its Relation to Water Supply.' On the special question, 'The Better Regulation of House Building generally, and the Best Mode of Improving the Sanitary Condition of Existing Houses,' Papers by Dr. Alfred Hill, and Mr. Frederick W. Waller were read, and one by Mr. Henry Robinson, C.E., 'On Vestry neglect in Sanitary Matters,' was read by the author and discussed in combination with the special question. An animated and well-sustained discussion ensued in a largely attended section—the general opinion being that if any great improvement was to be made in respect to sanitary matters connected with existing buildings, more powers will have to be given to local authorities through the means of further legislative enactments. After the discussion, a Paper 'On the Registration of Zymotic Diseases,' by Mr. J. Pleydell Wilton, was read. A Paper was read by Dr. Wilson for the author, Mr. John Marshall, F.R.S., 'On a Circular System of Hospital Wards.' Considerable discussion ensued, but the opinion of the Section appeared to be adverse to the propositions set forth in Mr. Marshall's Paper. Dr. G. W. Child read a Paper 'On the Working of the Public Health Act, 1875.' Lord Norton urged that in the main the Act (for which he was greatly responsible) had answered its purpose. On the special question, 'How best to Overcome the Difficulties of Overcrowding amongst the Necessitous Classes?' Dr. G. W. Child read a Paper, which provoked considerable discussion. A Paper 'On the Utilisation of Town Sewage' was read by Lord Norton. A long discussion ensued, the general opinion being that the views laid down in the Paper were substantially correct and deserving of further serious consideration. A very carefully prepared and scientific Paper was read by Dr. William Farr, F.R.S., 'On the Density or Proximity of Population—its Advantages and Disadvantages.' Thanks were expressed by the Section to Dr. Farr for the preparation of the Paper. A Paper by Dr. Francis T. Bond, 'Suggestions

Digitized by Google

for the Amendment of the Public Health Act, 1875,' was read by the author, and a Paper was contributed by Mr. Thomas A. Welton, F.S.S., 'On the increased Mortality amongst Males at certain Ages in England and Wales.' At a well-attended meeting, there being between thirty and forty members present, the following resolutions having reference to the Papers read by Dr. Bond and Dr. Child 'On the Public Health Acts' were passed unanimously:—'That in view of the large expenditure which has been and is still being incurred in carrying out the provisions of the Public Health Act of 1872, and in establishing and maintaining the machinery which it created, it is highly desirable that a comprehensive and authoritative enquiry should be instituted into the working of the Act, for the purpose of ascertaining whether the results which have been achieved are commensurate with the cost which it has involved, and in what way the defects which it contains can be most satisfactorily remedied.' 'That the foregoing resolution be brought under the notice of the Council of the Association, and that they be requested to take such steps for giving effect to it, by urging the Government to institute a Parliamentary enquiry or otherwise, as they may deem most advisable. Miss Vernon read a Paper 'On Public Parks and Recreation Grounds' to a well-attended meeting. An animated discussion ensued, which resulted in the following resolution being proposed, which passed unanimously—viz.: 'That it be referred to the Council to consider what will be the best course to adopt for the creation and provision of new, and the better care and administration of existing, gardens and public spaces of the metropolis and large towns, so as to bring their condition and administration to the same perfection as displayed in the metropolis of France.' Dr. Norman Kerr, F.L.S., read a Paper 'On the Mortality from Intemperance,' and one 'On Poisonous and Non-poisonous Paints and Wall Papers,' written by Dr. Bartlett, F.C.S., was read by the secretary, both Papers causing a warm and prolonged discussion. This brought the business of the Section to a conclusion.

IV.—Economy and Trade.

The special question, 'What are the Economic Principles that should Regulate the borrowing powers of Local Corporations?' was introduced by a Paper that elicited a comparison of experience from different and distant towns; and a common opinion seemed to prevail that corporate bodies ought, as a rule, to expend money mainly from savings —and never overtax ratepayers for the sake of having surplus funds at disposal. A Paper on 'The Best Mode of Raising the Public Revenue' was listened to with attention, but felt to be impracticable. The special question, 'What are the Causes of the present Depressed and Stagnant Condition of Industrial Enterprise, and what are the best Remedies?' was replied to by a critical analysis of the phenomena of foreign and home inflation, followed by reaction; an account of deficient harvests here and elsewhere, new competition, decline of prices, unwise extensions of machinery, uneasiness respecting further hostilities, disturbances in the labour market, &c. Economy was urgently

Digitized by Google

recommended, to producers and consumers, along with the maintenance of free trade principles; and the hope was strongly expressed that peace would enable us to apply our producing powers to meet the ever-increasing wants of a world-wide population, itself continually increasing. An interesting debate, in which the Chairman took a prominent part, resolved itself into an admission that no nation can 'eat its cake, yet have its cake,' financially speaking. A Paper on the 'Training of Pauper Children,' contrasted results from large district schools with results yielded by the boarding-out system, and others to be expected from village homes. The opinion of the meeting appeared to incline towards discipline and publicity, rather than to the influences of domestic seclusion and small schools. A Paper on the 'Industrial Employment of Women in France compared with England' contained fresh and important facts as to the organisation and direction of female labour in France. Both sexes entered warmly into the discussion as to ways and means for opening up employments for all ages and classes of women. The Paper on 'County Government' was a defence of existing principles, as an outgrowth of five centuries of our national life. Commenting on prevailing tendencies towards centralisation, the writer strongly deprecated unnecessary or hasty changes. A Paper on 'The Social Effects of English rule in India' was a plea for the recognition of some native institutions, chiefly justiciary, and an exposition of the evils of usury in India. The special question, 'What Means can best be adopted to Secure to the Wage-earning Classes a Due Provision for Old Age?' was met, firstly, by advocacy of national provident institutions—and, secondly, by an account of the private efforts of one large London firm. The former, it was argued, is indefensible in principle; and inadequate in practice, because unavailable for temporary aid. The latter was asserted to be open to objections, and applicable only under particular circumstances. A Paper followed on 'Provident Medical Clubs,' as conducive to efficiency and economy—and as meeting a recognised want. Valuable illustrations were given, and the principle was warmly welcomed. A Paper on 'The Economic Principles of Sugar Bounties,' traced to their sources the evils arising from the action of the French Government. Comments were made on the inaction of our own rulers, and different courses—sometimes contradictory—recommended by different speakers. Papers on 'Coffee Taverns' and on 'Intemperance,' the former as eligible means for removing some of the temptations to the latter, led to a lively discussion. The taverns were shown to be remunerative investments in certain localities, and thus, on commercial grounds, likely to effect their purpose. It was agreed that to close these taverns on Sundays would be undesirable. 'The Factory and Workshops Consolidation Act' was elaborately reviewed, both from economical and humanitarian points of view.

V.—Art.

Mr. H. Heathcote Statham read a Paper on 'How can Street Architecture be best improved with due regard to Economy?' He urged the use of concrete, by which a saving in the cost of building could be effected, which should be applied to the decoration of the

Digitized by Google

outside of street houses. Mr. Statham's views were on the whole supported in the discussion which followed, but some details were criticised. Mr. P. G. Skipwith read a Paper on 'Some neglected Principles of Decorative Art,' in which he urged the necessity of artistic truth in decoration, furniture, &c. A Paper was read by Dr. John Hullah, on 'How can a sound Knowledge of Music be best and most generally disseminated?' A very large and attentive audience was present, and a good discussion took place, in which the reader's views were warmly supported by the speakers, and at the conclusion the following resolution was proposed by the Rev. Canon Bell, the Rector of Cheltenham, seconded by Mr. Philip Rathbone, and carried *nem. con.*: 'That in the opinion of this meeting, it is desirable that the Council of the Association should suggest to the Government the desirability of promoting the scientific teaching of music in elementary schools.' Mr. George Godwin, F.R.S., read a Paper on 'The Desirability of obtaining a National Theatre not wholly controlled by prevailing Popular Taste,' reading at the same time letters on the subject from Mr. Henry Irving and Mr. Hermann Vezin. Professor Armstrong read a Paper on 'Dramatic Reform.' A discussion ensued in which all the speakers supported the propositions for reform contained in the two Papers. A Paper was read by Mr. Philip Rathbone on 'The Mission of the Undraped Figure in Art.' Mr. Rathbone referred to the agitation in Liverpool about the exhibition of a well-known picture, and warmly protested against the opposition that had been raised to it, at the same time discussing the principles which should govern the production and exhibition of such pictures. Complete unanimity of opinion again prevailed in the discussion. Mr. J. C. Horsfall and Colonel Blair read Papers on the subject, 'By what means can good Examples of Art be brought within the reach of the Population of small Towns and Villages.' The first reader advocated the formation of small art museums with explanatory papers and lectures on art subjects and good music, to which the working classes should be invited; and especially advocated the opening of all art galleries and museums on Sundays. Colonel Blair urged the establishment in Cheltenham of an Art Society. In the discussion which followed, and in which several clergymen and others took part, a thorough agreement with the objects of the Papers was expressed throughout. Mr. Tito Pagliardini read a Paper on 'The desirableness and possibility of attaching a Rural Scholastic Museum to every village Board School.' The President expressed a hope that the Paper would be printed, and a short discussion followed. Mr. H. P. MacCarthy read a Paper on 'Sculpture,' and Dr. Phené one on 'The Humanising and Refining Influence of Art.' In the discussion the relation of sculpture to architecture and the causes of its alleged decline were debated. Mr. E. J. Watherston read a Paper on 'The Place of Jewellery in Art,' and was followed by an address from Mr. Gambier Parry, which was warmly received by the audience. The meetings of the Section have been well attended, and the discussions lively and interesting, but somewhat remarkable for the absence of opposition to the views advanced by the readers of Papers.

Digitized by Google

INDEX.

Addresses:—
Opening Address, by the Right Hon. Lord Norton, K.C.M.G., 12
On jurisprudence and the amendment of the law, by A. E. Miller, Q.C., LL.D., 26, 32
On education, by the Hon. George C. Brodrick, 51
On health, by William Henry Michael, Q.C., F.C.S., 84
On economy and trade, by Professor Bonamy Price, 116
On art, by T. Gambier Parry, 135
By the President of the Council, George Woodyatt Hastings, 151
Agricultural education in connection with the College at Cirencester, by Rev. John Constable, 424
Allen, Major. Observations on art in towns and villages, 696
Amyatt, Capt. Amyatt E. Repression of vagrancy, 313
Annual report of joint committee on State medicine, 549
Appeal in criminal cases, 160
Appendix, 742
Armstrong, Professor G. F. On dramatic reform, 738
Arney, Sir George. Observations on the codification of the criminal law, 193; on the International Prison Congress, 271; on cumulative punishments, 288
Art. Address by T. Gambier Parry, 135
—— influence of climate on, 142
—— in England, 139
—— in relation to Social Science, 30, 135
—— in towns and villages, by T. C. Horsfall, 677; by Colonel C. F. Blair, 687; discussion, 692
——, mission of the undraped figure in, 715
——, place of jewellery in, 735
—— sculptural, on the present position of, 740
——, revival of, 141
Art section, xxxviii., importance of an, 166
Ashton, Rev. J. R. On Intemperance, 642
Assimilation of laws, 38

Baker, T. B. Ll. Cumulative punishment, 276; observations on, 287, 290; on codification of the criminal law, 185; on summary jurisdiction of magistrates, 259; on International Prison Congress, 268
Barnard, Major. Science teaching in schools, 446
Barry, Rev. Alfred, D.D. Sermon—Christianity and the science of the law, 1
Bartlett, H. C., Ph.D., F.C.S. Poisonous and non-poisonous paints and wall papers, 548
Beale, Miss Dorothea. The training of teachers for high schools, 432
Bell, Rev. Canon. Observations on knowledge of music, 676
Blair, Colonel G. F. By what means can good examples of art be brought within the reach of the population of small towns and villages? 677; observations on, 699
Bond, Francis T., M.D. The importance of complete disinfection, and the best means of providing for it by sanitary authorities, 457; suggestions for the amendment of the Public Health Act, 1875, 546; observations on overcrowding, 506
Borrowing powers of corporations, by John Goodier, 550; discussion, 563
Botley, William. Observations on disinfection, 470; on provision for old age, 600
Boyce, Rev. William. Observations on street architecture, 660
Boyes, H. C. Observations on street architecture, 661
Brady, Sir Antonio. Observations on depression of trade, 582

Digitized by Google

Breen, Rev. John. Observations on free primary schools, 333
Brodrick, Hon. George C. Address on education, 51; progress of education during the last thirty years, primary, 52, secondary, 57, university, 64; development of national education, 69; reforms in secondary education, 75; extension and organisation of universities, 77; schemes for the development of education, 81; observations at public meeting, xxx., on free primary schools, 337; on university education, 381; on the President's opening address, 384; on connection of schools, 412
Brown, Joseph, Q.C. Observations on the summary jurisdiction of magistrates, 261; on the sanitary condition of houses, 490; on provision for old age, 597
Brydges, E. T. Observations on title to real property, 219; on special tenures, 241, 2, 3, 6; on sanitary condition of houses, 487; on borrowing powers of corporations, 563
Burbury, Mrs. Observations on free primary schools, 333
Buxton, Sidney. The work of the London School Board, 430

Central sanitary authority, constitution of a, 107
Certification, registration and training of teachers, by T. E. Heller, 434
Chadwick, David, M.P. What are the causes of the present depressed and stagnant condition of industrial enterprise, and what are the best remedies? 570; observations on, 592; on borrowing powers of corporations, 565, 89; on provision for old age, 603, at public meeting, xxxi.
——— Edwin, C.B. Observations on disinfection, 467; on overcrowding, 506; on depression of trade, 591
Child, G. W., M.D. How best to overcome the difficulties of overcrowding amongst the necessitous classes, 492; working of the Public Health Acts, 1865 and 1872, 544; observation on, 507; on disinfection, 468, 471
Christianity and the science of the law. Sermon by the Rev. Alfred Barry, D.D., 1
Circular system of hospital wards, by John Marshall, F.R.S., 520
Codification of the criminal law, 15, 39, 171, xxxiv., by the Hon. E. Chandos Leigh, 171; by Alfred Hill, 182; discussion, 184
Codification of the law, 33, 157, 182
Coffee taverns, by Capt. St. Clair Ford, 641
Collings, Jesse. Is it desirable to establish free primary schools throughout the country? 314; observations on, 337
Collins, H. H. Observations on the sanitary condition of houses, 486, 491
Concluding meeting, report of the Council to, 742
Connection of schools, by Rev. E. F. M. MacCarthy, 385; by Henry M. Jeffery, 395; discussion, 404
Consolidation of the Statute Law, 34
Constable, Rev. John. Agricultural education in connection with the college at Cirencester, 424
Control of railway companies, 48
Coroners' courts, xxxiii.
Corporations, borrowing powers of, 550
Council, address by the President of, George Woodyatt Hastings, 151
County Government, by A. H. A. Hamilton, 636
Criminal cases, appeal in, xxxii., 160
——— evidence of defendants in, 159
——— law, codification of the, 15, 39, 171, xxxiv.
Criminals, reformation of, 16
Crestadore, Professor. On the best and fairest means of raising the public revenue, 633
Cumulative punishment, by T. B. Ll. Baker, 276; discussion, 285
——— sentences, 19, xxxiv.
Curative medicine and sanitary science, 84
Curwen, Spencer. Observations on knowledge of music, 674

Day, Francis. Observations on free primary schools, 336
Deaf, education of the, 444
Decorative art, 735
Defects in the law of deeds, by Alfred Hill, 307
Defendants, evidence of, in criminal cases, 159
Definition of science, 133
Density or proximity of population, its advantages and disadvantages, by William Farr, M.D., F.R.S., 526
Depression of trade, by David Chadwick, M.P., 570; discussion, 582
Disease, isolation as a means of arresting, 536

Digitized by Google

Diseases, zymotic, registration of, 543
Disinfection, by William Hardwicke, M.D., 450; by Francis T. Bond, M.D., 457; discussion, 467
Dispensaries and medical clubs, 603
Drama, educational influence of the, 448
Dramatic reform, by Professor G. F. Armstrong, 738
Duties of women as managers in elementary schools, by Miss Louisa M. Hubbard, 437

Economic principles of foreign sugar bounties, by W. P. B. Shepheard, 611
Economy and trade, address by Professor Bonamy Price, 116
Edgar, A., LL.D. Observations on the codification of the criminal law, 191; on special tenures, 242
Education, address by the Hon. George C. Brodrick, 51
——— agricultural, 424
——— Kindergarten and Fröbel's system, 442
——— national, 21, 69
——— primary and secondary, 385; progress of, during the last thirty years, 52
——— schemes for the development of, 81
——— secondary, progress of, during the last thirty years, 57
——— reforms in, 75
——— Universities extension, 338
——— University, 25; progress of, during the last thirty years, 64
Educational influence of the drama, by Rev. C. Halford Hawkins, 448
Elementary education. *See* Education
Employment of Women, 618
Epidemic disease, isolation as a means of arresting, 536
Evidence of defendants in criminal cases, 159
Extension and organisation of Universities, 77

Factory and Workshops Consolidation Act, by W. Cooke Taylor, 631
Farr, William, M.D., F.R.S. Density or proximity of population, its advantages and disadvantages, 530; observations on disinfection, 470
Ferrieres, Baron de. Observations at public meeting, xxviii., on cumulative punishments, 288
Fitch, J. G. Proposals for a new University in the North of England, 343; observations on, 380
Ford, Capt. St. Clair. On coffee taverns, 641
Fordham, E. K. Observations on the summary jurisdiction of magistrates, 260; on provision for old age, 602
Formulating the law, on the best method of, by H. W. Boyd Mackay, 308
Francis, G. E. Observations on title to real property, 212
Free primary schools, by Jesse Collings, 314; by Rev. W. R. Kennedy, 323; by Dr. John Watts, 328; discussion, 332
Freeland, W. H. Mixed judicial tribunals of Egypt, and the expediency of extending the system or some analogous one to the provinces of European and Asiatic Turkey, 305; observations on, 307; on title to real property, 218; on special tenures, 240, 1, 2, 3, 5
Fröbel's and the Kindergarten system of education, 442

Gael, S. H. Whether the extinction of all customary and other special tenures and the limitation of leasehold terms are not desirable? 222; observations on, 243; on the codification of the criminal law, 193
Galpin, T. D. What means can best be adopted to secure to the wage-earning classes a due provision for old age? 585; observations on, 603
Galton, Capt. Douglas, C.B., F.R.S. Observations on overcrowding, 507
German system of educating the deaf, by A. A. Kinsey, 444
Gillieland, E. H. Observations on depression of trade, 587, 588
Gladstone, Dr. J. H., F.R.S. Observations on free primary schools, 332
Godwin, George, F.R.S. On the desirability of obtaining a theatre not wholly controlled by the predominant taste of the public, 699; observations on street architecture, 663; on knowledge of music, 676
Goodier, John. What are the economic principles that should regulate the borrowing powers of local corporations? 550
Greenwood, Professor. Observations on University extension, 376

Hamilton, A. H. A. County Government, 636; observations on the summary jurisdiction of magistrates, 260

Digitized by Google

Hamilton, Rowland. Observations on free primary schools, 336; on the President's opening address, 385; on connection of schools, 404, 408
Hampton, the Right Hon. Lord. Observations on the President's opening address, 385
Harding, Stephen. Observations on depression of trade, 590
Hardwicke, William, M.D. The importance of complete disinfection, and the best means of providing for it by sanitary authorities, 450
Hastings, George Woodyatt. Address as President of the Council; losses sustained during the past year—Earl Russell, 151; Mr. Russell Gurney, 153; Sir Edward Creasy, Mr. Corr Vander-Maeren, 155; legislation of the session, 156; codification, 157; evidence of defendants in criminal cases, 159; appeal in criminal cases, 160; social condition of merchant seamen, 162; sanitary administration, 164; importance of the Section of Art, 166; observations on codification of the criminal law, 186
Hawkins, Rev. C. Halford. On the educational influence of the drama, 448
Health. Address by William Henry Michael, Q.C., F.C.S., 84
Heaton, J. D., M.D. The University question discussed by a member of the Yorkshire College, 357; observations on disinfection, 469
Heller, T. E. On the registration, certification, and training of teachers, 434; observations on connection of schools, 406
Heywood, James, F.R.S. Observations on Universities extension, 373; on art in towns and villages, 693
High Schools, training of teachers for, 432
Hill, Alfred. The codification of the law, 182; defects in the law of deeds, 307; observations on the International Prison Congress, 274; on cumulative punishment, 285
—— Alfred, M.D. On the better regulation of house-building generally, and the best mode of improving the sanitary condition of existing houses, 471
— Alsager, H. Observations on depression of trade, 588
— Frederic. The prison rules lately issued by the Secretary of State, 292; observations on codification of the criminal law, 184; on the International Prison Congress, 270; on cumulative punishment, 285–290; on depression of trade, 590; on provision for old age, 602
Hobhouse, Sir Arthur, K.C.S.I. Observations at public meeting, xxix., on the codification of the Criminal Law, 195
Horsfall, T. C. By what means can good examples of art be brought within the reach of the population of small towns and villages? 677; observations on, 698
Hospital Wards, circular system of, 520
Hubbard, Miss Louisa. The duties of women as managers of elementary schools, 439
Hullah, John, LL.D. How can a sound knowledge of music be best and most generally disseminated? 664; observations on, 676
Humanising influences of art. By J. S. Phené, LL.D., F.S.A., 729
Hydrogeology in relation to water supply. By Joseph Lucas, F.G.S., 518

India—Social effects of English rule in, 637
Industrial and pauper schools, 24
——— employment of women in France compared with England. By E. J. Watherston, 618
Infanticide, xxxiv
Intemperance, by Rev. J. R. Ashton, 642
——— mortality from, 535
International Prison Congress, xxxiv., by Dr. E. C. Wines, 262; discussion, 268
Introduction, 28
Isolation as a means of arresting epidemic disease, by Edward T. Wilson, M.D., 536

Jeffery, Henry M. On the best means of connecting primary with intermediate education, 396; observations on, 410
Jewellery in art, the place of, by E. J. Watherston, 735
Johnson, S. G. Scheme of university affiliation, proposed by the Corporation of Nottingham, 367; observations on, 371
Judge, Mark H. Observations on art in towns and villages, 692
Judicial tribunals of Egypt, extension of, to Turkey, by H. W. Freeland, 305; discussion, 306

Digitized by Google

Jurisprudence and the amendment of the law, address by A. E. Miller, Q.C., LL.D., 32

Kennedy, Rev. W. R. Is it desirable to establish free primary schools throughout the country? 323
Kerr, Norman, M.D., F.L.S. The mortality from intemperance, 535
Kindergarten and Fröbel's system of education, by Miss A. E. Shirreff, 442
Kinsey, A. A. The German system of educating the deaf, 444
Knowledge of music, by John Hullah, LL.D., 664; discussion, 674

Lambert, Rev. Brooke. Observations on free primary schools, 334; on provision for old age, 601
Lamport, Charles. Observations on street architecture, 659; on knowledge of music, 675
Latham, Baldwin, C.E. Observations on the sanitary condition of houses, 488
Law, amendment of the, 32
—— assimilation of the, 38
—— codification of the, 33, 157, 182
—— criminal, codification of the, xxxiv., 15, 39, 171
—— formulation of the, 308
—— statute, consolidation of the, 34
—— of lunacy, 40
Legislation of the session, 156
Leigh, Hon. E. Chandos. The codification of the criminal law, with special reference to the Attorney-General's Bill, 171; observations on, 198
Liability of railway companies for accidents to their servants, 49
Lloyd, G. B. Observations on depression of trade, 592
—— Wilson. Observations on depression of trade, 587, 590
Lock, Mr. Observations on street architecture, 661
London School Board, the work of the, by Sidney Buxton, 430
Longe, F. D. Observations on cumulative punishments, 289; on borrowing powers of corporations, 569; on depression of trade, 589
Losses sustained during the past year, Earl Russell, 151; Mr. Russell Gurney, 153; Sir Edward Creasy, Mr. Corr Vander Maeren, 155, xxxix.
Lowndes, W. Layton. Observations on the International Prison Congress, 273; on provision for old age, 602
Lucas, J. Hydrogeology in its relation to water-supply, 518
Lunacy, law of, 40
Lyne, Francis. Observations on the codification of the criminal law, 190

MacCarthy, Rev. E. F. M. In what way is it desirable to connect the system of primary schools with the endowed and other schools that supply secondary education? 385; observations on, 411
—— H. P. On the present position of sculptural art, 740
Mackay, H. W. Boyd. The best method of formulating the law, 308; observations on the codification of the criminal law, 190; on the title to real property, 212
Maddison, A. J. S. Observations on the International Prison Congress, 269, 271
Magistrates, summary jurisdiction of, 247, xxxiii.
Manchester Congress, xxxix.
Marshall, John, F.R.S. On a circular system of hospital wards, 520
—— James. Observations on title to real property, 216; on summary jurisdiction of magistrates, 258
Matthews, J. A. Observations on knowledge of music, 676
McClelland, James. Observations on connection of schools, 409
Medical clubs and dispensaries, 603
—— officers of health, status of, 109
Merchant seamen, social condition of, 162
Metropolis Management and Building Acts Amendment Bill, xxxv.
Michael, William Henry, Q.C., F.C.S. Address on health, curative medicine and sanitary science, 84; sanitary effort and progress, 87; sanitary legislation, 92; pure air, 95; inconsistencies of the Public Health Act, 99; readjustment of sanitary areas, 103; river pollution, 104; constitution of a central sanitary authority, 107; status of medical officers of health, 109; incidents of rating, 111; observations on the sanitary condition of houses, 488, 490
Miller, A. E., Q.C., LL.D. Address on jurisprudence and amendment of the law, 32; codification of the law, 33; consolidation of the statute law, 34; revision of parliamentary bills, 36; assimilation of laws, 38; codification of the criminal law, 39; poor laws,

Digitized by Google

39; law of lunacy, 40; control of railway companies, 48; liability of railway companies for accidents to their servants, 49; observations on title to real property, 221; on special tenures, 244; on cumulative punishment, 285, 290; on mixed tribunals of Egypt, 307
Mission of the undraped figure in Art, by P. H. Rathbone, 715
Moore, H. J., Observations on free primary schools, 335
——— Rev. C. M., Observations on art in towns and villages, 695
Mortality amongst males at certain ages in England and Wales, by Thomas A. Welton, F.S.S., 526
——— from intemperance, by Norman Kerr, M.D., F.L.S., 535
Mozley, H. N., Observations on title to real property, 219; on special tenures, 242
Museums, rural scholastic, 721
Music in schools, the scientific teaching of, xxxviii.
——— knowledge of, 674

National education, 21, 69
——— theatre, desirability of obtaining one not wholly controlled by the predominant taste of the public, by George Godwin, F.R.S., 699
Neglected principles of decorative art by P. G. Skipwith, 735
Newman, Dr. Francis W. On spelling reform, 414
Norton, the Right Hon. Lord, K.C.M.G. Opening address, introductory observations, 12; codification of the criminal law, 15; reformation of criminals, 16; penal servitude, 18; cumulative sentences, 19; the Prison Act, 19; reformatories, 20; national education, 21; pauper and industrial schools, 24; university education, 25; the sanitary laws, 26; river pollution—sewage, 27; trades unions, 28; depression of trade, 29; art applicable to social science, 30; on the utilisation of town sewage, 508; observations on the opening address, 384, at public meeting, xxix.

Old age, provision for, 593
Oldfield, Colonel. On the social effects of English rule in India, with special reference to the terrible effects of the late famines in that country, 637; observations on free primary schools, 336; on depression of trade, 589
Opening address by the Right Hon. Lord Norton, K.C.M.G., 12; observations on, 384
Open spaces and public parks and gardens, 510, xxxvi.
Ornaments, importance of, 143
Overcrowding, by G. W. Child, M.D., 492; discussion on, 506

Pagliardini, Tito. On the desirableness and possibility of attaching a rural scholastic museum to every village board school, 721
Paints—poisonous and non-poisonous, 548
Parliamentary bills, revision of, 36
Parry, T. Gambier. Address on the relation of Art to Social Science, 135; fine art in social life, 137; art in England, 139; revival of art, 141; influence of climate on art, 142; importance of ornament, 143; study of art, 144; lyric art, 145; education in art, 145; obstruction to the progress of art, 146; originality in art, 147; art schools, 149; art in relation to ourselves, 149; observations on art in towns and villages, 697
Pauper and industrial schools, 24
——— children, training of, 638
Pears, Edwin. Observations on mixed judicial tribunals of Egypt, 306
Penal servitude, 18
Penny, G. S. Observations on art in towns and villages, 692
Phené, J. S., LL.D., F.S.A. The humanising and refining influence of art, 729; observations on art in towns and villages, 694
Poisonous and non-poisonous paints and wall papers, by E. C. Bartlett, Ph.D., F.C.S., 548
Political economy as a science, 120
——— definition of, 130
——— the question on, 116
Pollution of rivers, 27, 104
Poor laws, 39
Prance, Courtnay C. Observation on title to real property, 212
Price, Professor Bonamy. Address on economy and trade, 116; the question of political economy, 116; political economy as a science, 120; definition of political economy, 130; definition of science, 133; observations on borrowing powers of corporations, 567, 568; on depression of trade, 582, 8
Prison Act, the, 19
——— Congress, International, 262

Digitized by Google

Prison rules lately issued by the Secretary of State, by Frederic Hill, 292
Provision for old age, by James S. Randell, 593; T. D. Galpin, 595; discussion, 597
Public Health Act 1875 Amendment Bill, xxxv.
——— Acts, xxxvii.
——— inconsistencies of the, 99
——— working of the, 544, 546
——— parks and gardens, by Miss M. J. Vernon, 510
——— revenue, on the best and fairest means of raising the, by Professor Crestadore, 633
——— Prosecutor, xxxiii.
Pulling, Serjeant. Should the summary jurisdiction of magistrates be further extended? 247
Punishment, cumulative, 276
Pure air, 95

Quail, J. The Vivisection Act, 1876, 309

Railway companies, control of, 48
——— liability of, for accidents to their servants, 49
Randell, James S. What means can best be adopted to secure to the wage-earning classes a due provision for old age? 593; observations on, 602
Ratcliff, Colonel. Observations on the codification of the criminal law, 192; on the International Prison Congress, 271
Rathbone, P. H. The mission of the undraped figure in art, 715; observations on knowledge of music, 674; on art in towns and villages, 694, at public meeting, xxxi.
Rating, incidents of, 111
Reformatories, 20
Reformation of criminals, 16
Registration, certification, and training of teachers, by T. E. Heller, 434
——— of zymotic diseases, by J. Pleydell Wilton, 543
Report of the Council to the concluding meeting, 742
Reports of medical officers of health, xxxvii.
Revision of parliamentary Bills, 36
River pollution, 27, 104
Robberds, Rev. J. Observations on art in towns and villages, 696
Roberts, J. Lloyd. On rural water supply, 547
Robinson, Henry, C.E. Vestry neglect in sanitary matters, 547
Rosher, G. B. Observations on title to real property, 216
Rücker, Professor. Observations on Universities extension, 374
Rural scholastic museums, by Tito Pagliardini, 721
——— water-supply, by J. Lloyd Roberts, 547

Sanitary administration, 164
——— areas, readjustment of, 103
——— central authority, 107
——— condition of houses, by Alfred Hill, M.D., 471; by Frederick W. Waller, 485; discussion, 486
——— effort and progress, 87
——— laws, 26
——— legislation, 92
——— matters, vestry neglect of, 547
——— science and curative medicine, 84
Schools, connection of primary and secondary, 385
——— elementary duties of women as managers of, 437
——— science teaching in, 446
——— scientific teaching of music in, xxxviii.
——— training of teachers for, 432
Science, definition of, 133
——— teaching in schools, by Major Barnard, 446
Sculptural art, on the present position of, 740
Seamen, social condition of, 162
Section of Art, xxxviii., importance of the, 166
Sermon: Christianity and the science of the law, by Rev. Alfred Barry, D.D., 1
Sessional meetings, subjects, xxxii.
Sewage, 27
——— utilisation of, 508
Shepheard, W. P. B. On the economic principles of foreign sugar bounties, 611
Shirreff, Miss A. E. On the Kindergarten and Fröbel's system of education, 442
Skipwith, Philip George. On some neglected principles of decorative art, 735; observations on street architecture, 661; on art in towns and villages, 696
Smale, Sir John. Observations on the codification of the criminal law, 191; on title to real property, 217; on

Digitized by Google

cumulative punishment, 289, 291; on mixed judicial tribunals of Egypt, 307
Social condition of merchant seamen, 162
—— effects of English rule in India, with special reference to the late famines in that country, by Colonel Oldfield, 637
———— art in relation to, 135
Solly, James. Should the summary jurisdiction of magistrates be further extended? 257; observations on, 260
Special tenures, by S. H. Gael, 222; by James Hopgood, 238; discussion, 340
Spelling Reform, by Professor Francis W. Newman, 414, xxxvi.
Stables, James. Observations on depression of trade, 591; on knowledge of music, 674
State medicine, annual report of joint committee on, 549
—— qualification, xxxvii.
Statham, H. Heathcote. How can street architecture be best improved with due regard to economy? 644; observations on, 667; on knowledge of music, 675
Statute law, consolidation of the, 34
Stirling, Sir Walter, Bart. Observations on street architecture, 661
Storr, William. Observations on depression of trade, 591
Street architecture, by H. Heathcote Statham, 644; discussion, 659
Stribe, W. F. Observations on the summary jurisdiction of magistrates, 260
Sugar bounties, economic principles of, 611
Summary jurisdiction of magistrates, xxxiii, by Serjeant Pulling, 247; by H. J. Bushby, 249; by James Solly, 257; discussion, 258

Taylor, W. Cooke. On the Factory and Workshops Consolidation Act, 631
Teachers, registration, certification and training of, 434
———— training of for high schools, by Miss Dorothea Beale, 432
Technical training—where should it be given? by Professor Sylvanus P. Thompson, D.S., F.R.A.S., 437
Thompson, Charles. Observations on depression of trade, 582
————, Professor Sylvanus P., D.S., F.R.A.S. On technical training—where should it be given? 437
Title to real property, by Sir Robert R. Torrens, K.C.M.G., 199; discussion, 212
Torrens, Sir Robert R., K.C.M.G. Simplification of the evidence of title to real property by record of title or otherwise, 199; observations on, 221
Towns and villages, art in, 677
Townsend, Frederic, F.L.S. Provident medical clubs and dispensaries, 603
Training, certification and registration of teachers, 434
———— of pauper children, by E. Carlton Tufnell, 638
———— of teachers for high schools, by Miss Dorothea Beale, 432
———— technical, when should it be given? 437
Trade, depression of, 29, 582
Trades Unions, 28
Tufnell, E. Carlton. Training of pauper children, 638; observations on borrowing powers of corporations, 567
Tuke, H. G. Observations on the codification of the criminal law, 191; on the International Prison Congress, 275
Turkey, extension of mixed judicial tribunals of Egypt to, 305

Universities extension, by Professor A. W. Ward, 338; by J. G. Fitch, 343; by J. D. Heaton, M.D., 357; by S. G. Johnson, 367; discussion, 371
———————— and organisation, 77
University affiliation proposed by the Corporation of Nottingham, 367
———— education, 25
———— in the north of England, proposal for a new, by J. G. Fitch, 343
———— question, discussed by a member of the Yorkshire College, by J. D. Heaton, M.D., 357
Utilisation of town sewage, by the Right Hon. Lord Norton, K.C.M.G., 508

Vagrancy, repression of, by Captain Amyatt E. Amyatt, 313
Vernon, Miss M. J. On public parks and gardens, 510
Vestry neglect in sanitary matters, by Henry Robinson, C.E., 547
Villages and towns, art in, 677
Vincent, Rev. William. Observations on the summary jurisdiction of magistrates, 259
Vivisection Act, 1876, by J. Quail, 309

Waddilove, Alfred, D.C.L. Observations on the codification of the crimi-

Digitized by Google

nal law, 189; on summary jurisdiction of magistrates, 259
Waller, Frederick W. On the better regulation of house-building generally, and the best mode of improving the sanitary condition of existing houses, 485
Ward, Professor A. W. Is it expedient to increase the number of Universities in England? 338; observations on, 380
Water-supply, 547
——— hydrogeology in relation to, 518
Watherston, E. J. Industrial employment of women in France compared with England, 618; the place of jewellery in art, 731; observations on depression of trade, 589; on provision for old age, 600; on street architecture, 660
Watts, Dr. John. Is it desirable to establish free primary schools throughout the country? 328
Welton, Thomas A., F.S.S. On the increased mortality amongst males at certain ages in England and Wales, 526
Whitcombe, George. Observations on title to real property, 216
White, Robert. Observations on depression of trade, 591
Whitwell, Mark. Observations on connection of schools, 408
Wilson, Edward T. Isolation as a means of arresting epidemic disease, 536; observations on disinfection, 470
Wilton, J. Pleydell. On the registration of zymotic diseases, 543
Wines, Rev. E. C., D.D. The consideration of the proceedings of the Stockholm International Prison Congress, 262; observations on, 276; on cumulative punishments, 286
Winterbotham, L. W. Observations on title to real property, 217
Women, duties of, as managers of elementary schools, 437
——— employment of, as compared with France, 618
Wyles, Thomas. Observations on free primary schools, 334

Zymotic diseases, registration of, 543

LONDON: PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET

Digitized by Google

Digitized by Google

Digitized by Google